

**SUMIT MUKHOPADHYAY**  
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**E-filing**

THE UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

08 JUN -3 AM 9:23  
 RICHARD W. WIEKING  
 CLERK, U.S. DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

Plaintiff: SUMIT MUKHOPADHYAY

CV 08

Case No.

**PJH**  
**2758**

Vs.

Defendants:

**Michael Chertoff**, Secretary of the Department  
 of Homeland Security (DHS)  
**Jonathan Scharfen**, Acting Director of the U.S.  
 Citizenship and Immigration Services (USCIS)  
**Christine Poulos**, Director of the California Service  
 Center of USCIS  
**Robert S. Mueller III**, Director of Federal  
 Bureau of Investigation (FBI)  
**Joseph Russoniello**, US Attorney,  
 Northern District of California

ORIGINAL COMPLAINT  
 FOR WRIT IN THE NATURE OF  
 MANDAMUS & DECLARATORY  
 JUDGEMENT

**INTRODUCTION**

1. This action is brought against the Defendants to compel action on the clearly delayed processing of an N-400 Application for Naturalization filed by the Plaintiff, Sumit Mukhopadhyay, 21 months ago. The application was filed and remains within the jurisdiction of the Defendants, who have improperly delayed processing the application to Plaintiff's detriment.

**PARTIES**

2. Plaintiff, Sumit Mukhopadhyay is a lawful permanent resident of the United States, currently residing in El Cerrito, California. He is the beneficiary of an N-400,

1 Application for Naturalization to become a U.S. Citizen, filed with the USCIS  
2 (California Service Center, Laguna Niguel) on September 5, 2006.

3 3. Defendant, Michael Chertoff is the Secretary of the Department of Homeland  
4 Security, and this action is brought against him in his official capacity. He is generally  
5 charged with the enforcement of the Immigration and Nationality Act, and is further  
6 authorized to delegate such powers and authority to subordinate employees of the  
7 Department of Homeland Security. 8 USC § 1103(a). The U.S. Citizenship &  
8 Immigration Services is an agency within the Department of Homeland Security to  
9 whom the Secretary of the Department of Homeland Security's authority has in part  
10 been delegated, and is subject to the Secretary of the Department of Homeland  
11 Security's supervision.

12 4. Defendant, Jonathan Scharfen is the Acting Director of the U.S Citizenship &  
13 Immigration Services (USCIS) and an official generally charged with supervisory  
14 authority over all operations of the USCIS with certain specific exceptions not  
15 relevant here. 8 CFR § 103.1(g) (2) (ii) (B).

16 5. Defendant, Christine Poulos is the Director of the California Service Center of the  
17 USCIS. In her capacity as the Director of the California Service Center, USCIS, Ms.  
18 Poulos is responsible for the administration of immigration benefits and services  
19 including the processing of naturalization applications. As such, she has decision-  
20 making authority over the matters alleged in this Complaint.

21 6. Defendant, Robert S. Mueller III is the Director of Federal Bureau of Investigation.  
22 Mr. Mueller III is responsible for the administration of background check services  
23 requested by USCIS. As such, he has decision-making authority over the matters  
24 alleged in this Complaint.

25 7. Defendant, Joseph Russoniello is the US Attorney representing the US Government in  
26 the Northern District of California of US Federal District Court.

27 JURISDICTION

- 1 8. This Court has subject matter jurisdiction over this action under 5 U.S.C. § 1361  
2 (Mandamus Act); and under 28 U.S.C. § 1331 (federal question jurisdiction) and  
3 under 5 U.S.C. §§ 555(b), 701 et seq. (Administrative Procedure Act "APA"); and  
4 under 28 U.S.C. § 2201 (Declaratory Judgment Act). This Court may grant relief  
5 pursuant to 28 U.S.C. §§ 1361, 1651, 2202 and 5 U.S.C. § 702.

6 VENUE

- 7 9. Venue is proper in this court, pursuant to 28 USC §1391(e), in that Plaintiff may  
8 request a hearing on the matter in the District where Plaintiff resides.

9 EXHAUSTION OF REMEDIES

- 10 10. During the past 21 months, Plaintiff has exhausted his administrative remedies.  
11 Plaintiff has supplied the USCIS and FBI documents that clearly establish his  
12 eligibility to be naturalized as U.S. Citizen. This action challenges only the  
13 Defendants' timeliness in adjudication of this Naturalization petition, not the granting  
14 or denial of petition.

15 CAUSE OF ACTION

- 16 11. Plaintiff is a lawful permanent resident of the United States. Plaintiff was granted  
17 United States Permanent Resident status on November 28, 2001 under File Number  
18 A#072-904-457 based on Employment Based Category EB-1 or E11 (**Persons of**  
19 **Extraordinary Ability**). Attached hereto as **Exhibit "1"** is a copy of Plaintiff's  
20 Permanent Resident Card.
- 21 12. Before proceeding farther, Plaintiff wants to respectfully submit some background  
22 information pertaining to his situation. After a period of courtship, Plaintiff legally  
23 (and following religious and social norms in his country) married his wife Chandrani  
24 Mukhopadhyay in India on March 3, 2006. Since no visa number is readily available  
25 for spouses of legal permanent resident, Plaintiff and his wife, even though newly  
26 married, were forced to live separately in different countries (Plaintiff living and  
27 working in the US, while his wife living in India). This caused and has been causing  
28 tremendous emotional difficulties for both Plaintiff and his wife.

13. Plaintiff has been living in the US since 1990. He has obtained his graduate education (Ph.D. in chemical engineering) from a reputed US university. For more than ten years now, he has been working as a member of the scientific staff at Lawrence Berkeley National Laboratory (LBNL) in Berkeley, California. LBNL is a research institute operated by the University of California for the US Department of Energy (DOE). Plaintiff has been making (humbly speaking) critical contributions in securing the energy future of the US. That Plaintiff has special abilities is evident from the fact that USCIS granted him permanent residency under the **Persons of Extraordinary Ability** (see item 11). Attached hereto as **Exhibit "2"** is Plaintiff's brief curriculum vitae (CV). It is evident that Plaintiff is a well established scientist, making significant contributions in diverse areas of water resources, environmental science, and nuclear waste management.

14. Plaintiff has always wanted to live the American dream, and he has always wanted to make America his home. To his dismay, after getting married, Plaintiff found out that he could not be united with his loving wife, at least not any time soon (because no visa is available for wife of a lawful permanent resident). Plaintiff was unhappy as he felt he was being denied the right (and opportunity) to live a peaceful and meaningful family life.

15. Plaintiff has always wanted to be a proud citizen of the US. Because of this, and driven by a strong desire to be united with his loving wife, Plaintiff decided to obtain his US citizenship as soon as he was qualified for the same (under current naturalization laws, Plaintiff could apply for citizenship after August 30, 2006). Plaintiff filed his naturalization petition on September 1, 2006, which was received by the USCIS on September 5, 2006.

16. Plaintiff filed his petition for Naturalization (N-400 application) with the USCIS California Service Center, Laguna Niguel, which was received by the Service Center on September 5, 2006. The receipt number for Plaintiff's naturalization petition (N-



400) is **WSC\*001583317**. Attached hereto as **Exhibit "3"** is the receipt notice from the USCIS.

17. On September 29, 2006, Plaintiff submitted his finger prints at the USCIS Oakland Office. Attached hereto as **Exhibit "4"** is a copy of the fingerprint appointment letter and the Biometrics Processing Stamp confirming that fingerprints were submitted to USCIS on September 29, 2006.
18. Since September 29, 2006, USCIS has not taken any action with respect to Plaintiff's naturalization petition. Plaintiff has made numerous attempts to obtain information about the status of his petition. Plaintiff has also made numerous requests to the authorities concerned to expedite his naturalization petition, and to allow him to be united with his wife. Provided below is a summary of Plaintiff's effort in this regard.
19. The USCIS publishes the normal processing times at their different field offices for naturalization petitions. Plaintiff's petition falls under the jurisdiction of the San Francisco District Office (SFDO) of the USCIS. The normal processing time for naturalization petitions at SFDO can be seen at this website:  
<https://egov.immigration.gov/cris/jsps/officeProcesstimes.jsp?selectedOffice=69>.  
From that website Plaintiff observes that the normal processing times for N-400 (naturalization) is July 6, 2007 (data as of 15<sup>th</sup> May, 2008 – the latest data available at the time of preparing this complaint).
20. Since Plaintiff's petition date is September 5, 2006, his petition has been delayed significantly beyond the normal processing times for similar petitions.
21. The status of a pending case with the USCIS can be found through calling USCIS National Customer Service hotline at 1-800-375-5283. Since completing his fingerprinting on September 29, 2006, Plaintiff has been calling that number on a regular basis. The automated message service always returns the same message that the Plaintiff's petition is still pending. This has been continuing for 21 months, implying that no progress has been made on his petition at all.

1 22. On November 30, 2006 Plaintiff appeared in person at the SFDO to find out the status  
2 of his petition and to speak with an immigration officer (IO) regarding the same,  
3 hoping that the IO might be able to provide additional information that could not be  
4 obtained from the National Customer Service hotline mentioned above. The  
5 appointment with the SFDO for Plaintiff's visit was made through the INFOPASS  
6 facility provided by the USCIS. Attached hereto as **Exhibit "5"** is a copy of that  
7 INFOPASS appointment. During his visit at SFDO on November 30, 2006, the IO  
8 told Plaintiff that USCIS could not approve his petition due to the delayed  
9 background check, and it could be weeks or months or even years until it was  
10 completed.

11 23. On hearing that approval of his naturalization petition could be delayed indefinitely  
12 (months or even years), Plaintiff first did not believe such a thing was possible in  
13 America. Having lived separately for almost nine months by then (December, 2006),  
14 Plaintiff and his wife were also (to put it mildly) worried about their future. They  
15 decided to keep faith in the American system of justice and fairness. They decided to  
16 pursue any administrative remedy that might be available to them.

17 24. On December 8, 2006, Plaintiff approached the Director of the California Service  
18 Center of the USCIS because that office had jurisdiction over Plaintiff's  
19 naturalization petition. Plaintiff in his letter requested the Director of California  
20 Service Center of the USCIS to expedite his naturalization petition given his special  
21 family circumstances. In his letter, Plaintiff described the "serious troubles" and  
22 "unbearable strains" that the delay in approving Plaintiff's petition was causing in his  
23 family life and on his marriage. Plaintiff also requested the Director of California  
24 Service Center, USCIS, to let Plaintiff know any legal manner in which Plaintiff can  
25 bring his wife to the US, in case Plaintiff's naturalization petition cannot be approved  
26 in a timely manner. Attached hereto as **Exhibit "6"** is a copy of Plaintiff's letter to the  
27 Director of California Service Center of the USCIS.

25. Not having received a reply from the Director of California Service Center of the USCIS, although almost a month has passed, on January 5, 2007, Plaintiff had another InfoPass appointment at the SFDO of the USCIS regarding status check on this petition. Attached hereto as **Exhibit "7"** is a copy of the INFOPASS appointment for January 5, 2007, at SFDO. The IO told Plaintiff that his application was still at the USCIS Laguna Niguel office. The Laguna Niguel office would forward the application to SFDO once the background check was completed. The IO advised Plaintiff that he could check back the status in another sixty days, and that they could not do anything to expedite the processing.
26. Disappointed with the response from the IO during the January 5, 2007, INFOPASS appointment, and following up on suggestions from friends, Plaintiff approached (on January 8, 2007) the office of Honorable Senator Dianne Feinstein with a request for *casework assistance*. Attached hereto as **Exhibit "8"** is a copy of Plaintiff's letter to Honorable Senator Dianne Feinstein. In his letter, Plaintiff requested the Honorable Senator to request the USCIS to expedite his naturalization petition on Plaintiff's behalf.
27. On February 5, 2007, Plaintiff decided to file a FOIPA (Freedom of Information and Privacy Act) Request to see if the reason behind the FBI Name Check Clearance delay was due to a Record in the FBI Central Record System (CRS). Plaintiff sent a letter to Mr. David M. Hardy, who is the Chief of Record/Information Dissemination Section of FBI. Plaintiff requested Mr. Hardy to furnish him with copies of all records about him indexed to his name with his identifying information maintained in the FBI CRS, under the Freedom of Information Act, 5 U.S.C. subsection 552 and the Privacy Act 5 U.S.C. Attached hereto as **Exhibit "9"** is a copy of Plaintiff's letter to Mr. David M. Hardy.
28. On February 9, 2007, Mr. David M. Hardy sent a reply in response to Plaintiff's request under the FOIPA (see item 27). Mr. Hardy indicated that "**no records** responsive to your FOIPA request were located by a search of the automated indices"



1 in the CRS at FBI headquarters. Attached hereto as **Exhibit "10"** is Mr. Hardy's  
2 Response to Plaintiff's FOIPA Request.

3 29. On February 9, 2007, Honorable Senator Dianne Feinstein responded in writing to  
4 Plaintiff's letter of January 8, 2007. In her letter, Senator Feinstein mentioned that she  
5 has requested Ms. Morgan Galli in her San Francisco office to assist me. Senator  
6 Feinstein further wrote that Ms. Galli had contacted the FBI on Plaintiff's behalf, and  
7 that Plaintiff would hear back from Senator Feinstein's office when a response was  
8 received from the FBI. Senator Feinstein mentioned that it might take about eight to  
9 ten weeks for the FBI to respond. Attached hereto as **Exhibit "11"** is a copy of  
10 Senator Feinstein's letter (of February 9, 2007) to Plaintiff.

11 30. Plaintiff's supervisor and mentor (Dr. Yvonne Tsang – a senior staff scientist and the  
12 head of the Nuclear Waste Program at LBNL) was concerned about Plaintiff's well  
13 being. Both Dr. Tsang and Plaintiff, along with other scientists and engineers, are  
14 engaged in addressing technical challenges associated with subsurface disposal of  
15 radioactive wastes at Yucca Mountain, Nevada. This project of critical national  
16 importance is popularly known as the Yucca Mountain Project (YMP) and is  
17 progressing on a very tight schedule to meet various congressional mandates.

18  
19 She was concerned and worried that the uncertainty and stress in Plaintiff's family life  
20 and marriage, resulting from the indefinite delay in adjudication of Plaintiff's  
21 naturalization petition, would affect Plaintiff's scientific productivity. She was  
22 worried that a loss of productivity from Plaintiff would impact her group's  
23 performance. On Plaintiff's behalf, she thus wrote a letter to Mr. William Hooton on  
24 February 14, 2007. Mr. Hooton is the Assistant Director of Records Management  
25 Division at the FBI, and his office is generally believed to be responsible for the FBI  
26 Name Check Program.



1 In her letter, Dr. Tsang noted that "Dr. Mukhopadhyay is one of the key scientists  
2 working on the YMP at LBNL and is a valuable member of my team. For my team to  
3 be able to fulfill our commitments on the YMP, it is important that Dr.

4 Mukhopadhyay is able to continue with his scientific work without much distraction  
5 and interruption." She added further that "I am greatly concerned that, if this delay  
6 continues, the mental anxiety caused by it may adversely affect the valuable scientific  
7 contributions that Dr. Mukhopadhyay makes to my team. This may in turn have a  
8 negative impact on the timely progress of YMP at this national laboratory." She thus  
9 requested Mr. Hooton to expedite Plaintiff's name check process, "brightening the  
10 prospect that he will soon be united with his wife, and alleviating the immense mental  
11 stress he has been experiencing." Attached hereto as **Exhibit "12"** is a copy of Dr.  
12 Tsang's letter to Mr. Hooton.

13 While Plaintiff continued to invest his time and effort addressing a critical technical  
14 problem, and while Plaintiff's supervisor (an accomplished and eminent scientist  
15 herself) realized the mental agony of her committed team member, the administration  
16 represented by the defendants seem to have shown little regard for Plaintiff's  
17 sufferings. Neither Dr. Tsang nor Plaintiff received (to date) any reply to Dr. Tsang's  
18 letter to Mr. Hooton.

- 19 31. Plaintiff continued to call the USCIS National Customer Service hotline in the hope  
20 of obtaining some information showing progress with his petition. However, no new  
21 information was available from the automated message service. On April 13, 2007,  
22 Plaintiff visited the SFDO with yet another INFOPASS (his third) appointment.  
23 Attached hereto as **Exhibit "13"** is a copy of the INFOPASS appointment at SFDO  
24 for April 13, 2007. The IO informed Plaintiff that his background investigation was  
25 still pending, and he had no information as to when it could be completed. Plaintiff  
26 requested the IO to let Plaintiff speak with the IO's supervisor. After waiting a long  
27 time, Plaintiff was able to speak with supervisor Mr. William Church. Mr. Church  
28 repeated what the IO told Plaintiff. Mr. Church also told Plaintiff that he should

1 contact his office again if no action was taken within next six months. Plaintiff wants  
2 to bring this to attention: initially, Plaintiff (during his first two INFOPASS  
3 appointments) was told to contact USCIS after 60 days if no actions were taken.  
4 During the third appointment (on April 13, 2007), it became six months.

5 32. On June 6, 2007, Plaintiff called the USCIS National Customer Service hotline, and  
6 wished to speak with an IO. Because Plaintiff's naturalization petition was pending  
7 longer than the normal processing time, he submitted a service request over the  
8 phone. On June 11, 2007, USCIS replied to the service request of June 6, 2007.  
9 Attached hereto as **Exhibit "14"** is a copy of USCIS's reply to Plaintiff's service  
10 request. In their reply, USCIS informs Plaintiff that his background investigation  
11 remains open, and that Plaintiff should contact them if no decision or action is taken  
12 within six months from the date of the letter.

13 32. On June 15, 2007, Ms. Morgan Galli from Honorable Senator Dianne Feinstein's San  
14 Francisco office wrote to Plaintiff. She informed Plaintiff that the FBI had told her  
15 that Plaintiff's name check had been pending since September 21, 2006, and that her  
16 (Ms. Galli's) office should wait one year before making a name check inquiry.  
17 Attached hereto as **Exhibit "15"** is a copy of the letter received by Plaintiff from Ms.  
18 Galli.

19 33. On August 13, 2007, Plaintiff called the USCIS National Customer Service hotline,  
20 and wished to speak with an IO. Because Plaintiff's naturalization petition was  
21 pending longer than the normal processing time, he submitted a service request over  
22 the phone. On August 13, 2007, itself USCIS replied to the service request. Attached  
23 hereto as **Exhibit "16"** is a copy of USCIS's reply to Plaintiff's service request. In  
24 their reply, USCIS informs Plaintiff that his background investigation remains open,  
25 and that Plaintiff should contact them if no decision or action is taken within six  
26 months from the date of the letter. Note that, since Plaintiff submitted a service  
27 request on June 6, 2007, he was not allowed to submit another service request before  
28 passage of 60 days.

1 34. On September 25, 2007, Plaintiff again wrote to Ms. Morgan Galli (in Honorable  
2 Senator Dianne Feinstein's San Francisco office). On June 15, 2007, Ms. Galli has  
3 told (as told to her by FBI, see item 32) Plaintiff to wait one year before initiating a  
4 name check enquiry, which began on September 21, 2006 (as per information  
5 provided to Ms. Galli by the FBI). By September 25, 2007, one year has already  
6 passed. Plaintiff thus requested Ms. Galli to make a name check enquiry at that time.  
7 Attached hereto as **Exhibit "17"** is a copy of Plaintiff's letter to Ms. Galli on  
8 September 25, 2007. In that letter, Plaintiff also wrote to Ms. Galli that the "indefinite  
9 delay is causing serious damage to my career, my mental and physical health."  
10 Plaintiff also wrote that they (Plaintiff and his wife) were living separately for one and  
11 one-half years (at that time), causing serious troubles in their marriage. Plaintiff  
12 concluded by saying that he had come to a point in life where, if this matter was not  
13 resolved quickly, he would be forced to abandon his career and livelihood under  
14 stress.

15 35. On September 28, 2007, Plaintiff visited the SFDO with yet another INFOPASS (to  
16 date, his fourth and final) appointment. Attached hereto as **Exhibit "18"** is a copy of  
17 the INFOPASS appointment at SFDO for September 28, 2007. The IO again  
18 informed Plaintiff that his background investigation had not been completed, and he  
19 had no information as to when it could be completed. Plaintiff requested the IO to let  
20 Plaintiff speak with the IO's supervisor. Again, after waiting more than two hours,  
21 Plaintiff was able to speak with supervisor Mr. William Church. Mr. Church repeated  
22 what the IO told Plaintiff. Mr. Church also told Plaintiff that he should contact his  
23 office again if no action was taken within next six months. The way these officials  
24 toss around these timelines ("visit us in six months"), it appears that time has no value  
25 or significance. In addition, they are not held to any level of accountability. After six  
26 months are over, they repeat the same statements without making an effort to resolve  
27 the matter.  
28



1 36. In October of 2007, Plaintiff approached Dr. Stefan Finsterle, Head of the  
2 Hydrogeology Department at LBNL. Plaintiff's employment is in the same  
3 department at LBNL. Plaintiff informed Dr. Finsterle about the impasse on his  
4 naturalization petition resulting from the name check delay. Plaintiff discussed with  
5 Dr. Finsterle the serious stress on his marriage because of the indefinite delay in  
6 approving Plaintiff's naturalization petition. Plaintiff informed Dr. Finsterle that it  
7 was becoming unbearable for him and his wife, and that, in an effort to save his  
8 marriage and his family life, he (Plaintiff) was contemplating abandoning his career at  
9 LBNL and return to India (Plaintiff's country of birth). Dr. Finsterle requested  
10 Plaintiff not to take a hasty decision. Dr. Finsterle also enquired whether any avenue  
11 was available to Plaintiff for seeking remedy, and offered to help in any way he could.  
12 After some discussion with Plaintiff, on October 10, 2007, Dr. Finsterle decided to  
13 write a letter to the Director of California Service Center of the USCIS. On October  
14 11, 2007, Plaintiff forwarded Dr. Finsterle's letter to the Director of California  
15 Service Center of the USCIS, along with his own letter (dated October 11, 2007)  
16 addressed to the same person. Attached hereto as **Exhibit "19"** are copies of both  
17 Plaintiff's and Dr. Finsterle's letters to Director of California Service Center of the  
18 USCIS.

19 In his letter, Dr. Finsterle eloquently supported Plaintiff in his effort to bring this  
20 impasse to an end. Dr. Finsterle wrote that "...if this delay continues, the personal  
21 distress caused by Dr. Mukhopadhyay's separation from his wife may adversely affect  
22 the valuable scientific contributions that he has been making in the interest of DOE"  
23 (DOE is the US Department of Energy). Dr. Finsterle continued as "From a  
24 humanitarian perspective, I believe he deserves to be united with his wife at the  
25 earliest. This will allow him to enjoy a stable and happy family life, while continuing  
26 with his scientific work in a project of great national importance." Dr. Finsterle  
27 concluded by writing that he was supporting Plaintiff in his request to urge the FBI to  
28 expedite Plaintiff's name check process to avoid unnecessary personal hardship to



1 him (Plaintiff) and his (Plaintiff's) wife. Dr. Finsterle finally opined that "it is in the  
2 Nation's best interest to make a special effort to retain a valuable scientist who has  
3 proven his allegiance to the US over many years by – among other things –  
4 performing outstanding and difficult work in support of our energy security."

5 37. Encouraged by Dr. Finsterle's suggestions (not to give up easily), Plaintiff decided to  
6 pursue the matter some more. On October 23, 2007, he approached Dr. Michael  
7 Chertoff, the Honorable Secretary of the Department of Homeland Security in the  
8 hope of obtaining justice. Attached hereto as **Exhibit "20"** is a copy of the letter that  
9 Plaintiff wrote to the Honorable Secretary. Plaintiff explained that he fully understood  
10 "the necessity of a thorough background investigation before granting any  
11 immigration benefit." However, Plaintiff felt that delaying his case for 13 months (at  
12 that time) was not reasonable, particularly when 99% of the cases are completed  
13 within six months (as per data available at the FBI website). Plaintiff thus felt  
14 aggrieved, and also felt that he was being denied a fundamental human right, the right  
15 to live a peaceful family life, in the name of a prolonged background investigation.  
16 Plaintiff thereafter humbly requested the Honorable Secretary to help him by  
17 requesting the authorities concerned to expedite his name check process from  
18 humanitarian considerations. Completing the name check process without any more  
19 delay, Plaintiff wrote, would help him unite with his wife, and also would enhance his  
20 faith in the American system of governance and justice.

21 38. Till that time, Plaintiff's wife, Chandrani Mukhopadhyay, was suffering in silence and  
22 continued to live in despair, separated from her husband for no apparent reason, other  
23 than the Defendants' inability to approve Plaintiff's naturalization petition on a timely  
24 manner. Unable to find any other avenue to bring a quick resolution, Plaintiff's wife,  
25 as a woman, decided to seek humanitarian assistance from another woman and  
26 mother, the Honorable First Lady Mrs. Laura Bush. Plaintiff's wife hoped that Mrs.  
27 Bush, as a woman and mother, would appreciate her (Plaintiff's wife's) pain and  
28 sufferings. On October 8, 2007, Plaintiff's wife wrote an "Appeal for Humanitarian

1 Assistance” addressed to Mrs. Bush. On October 23, 2007, Plaintiff forwarded her  
2 (Plaintiff’s wife’s) letter, along with a forwarding note, to Mrs. Bush. Attached hereto  
3 as **Exhibit “21”** are copies of both Plaintiff’s forwarding note and his wife’s letter to  
4 Mrs. Bush.

5 In her letter, Plaintiff’s wife briefly mentioned Plaintiff’s scientific contributions. She  
6 pointed out that Plaintiff was awarded with a *Commitment to Excellence Award* by  
7 the US DOE (Department of energy) in 2004. She mentioned that, only a month ago  
8 (in September of 2007) her husband had received an *Outstanding Performance Award*  
9 from LBNL. She also mentioned that her husband had been a member of a number of  
10 reputed professional societies.

11 Based on available evidence, she wrote, in her opinion, “my husband is and has been  
12 making solid contributions to the field of science and technology for last 18 years  
13 with utmost sincerity and devotion, combating his lonely, isolated life there at USA.”  
14 Similar sentiments were expressed by Dr. Yvonne Tsang and Dr. Finsterle regarding  
15 Plaintiff’s commitments to scientific work that directly benefits the US society at  
16 large. Plaintiff’s wife went on to write that she sincerely felt that Plaintiff was “being  
17 unfairly and unjustly denied the opportunity to live a peaceful family life.”

18 Plaintiff’s wife then (in passionate words) wrote to Mrs. Bush about her frustration  
19 resulting from the delay in getting united with her husband (the Plaintiff). To quote  
20 from her letter, “Moreover, he is 41 years old and I am 31 years old. We want to start  
21 a family as soon as possible. Yet the delay with his naturalization petition is denying  
22 both of us this most basic of human rights. I am hoping that you, as a woman and a  
23 caring mother, will understand the feeling of hollowness in our (mine and my  
24 husband’s) lives.”

25 She continued with her appeal as follows: “Both of us have deep faith on the US  
26 system of law and order, and its administration being able to provide equitable justice  
27 to all. We, thus, have been waiting calmly and patiently, hoping that the US

28 Government and USCIS will show proper respect to our human rights. However, after

1 this long and endless wait, we feel aggrieved and we feel that we are being subjected  
2 to unfair treatment.”

3 She further wrote that, since love and emotion knew no bounds, her husband  
4 (Plaintiff) had often wondered whether leaving his (Plaintiff's) present profession was  
5 the only option left for him so that he could be united with her (Plaintiff's wife). In  
6 her own words, “I understand his frustration. If he is forced to take such a step, it will  
7 come at the cost of his other love – his much cherished scientific research work. I, as  
8 his wife, his friend, his love, cannot allow him to leave his other love for that of  
9 mine.” She concluded her letter requesting Mrs. Bush for help, “if you feel my  
10 suffering in your heart, please take some expeditious action and help save two lives  
11 and their loves.”

12 39. On November 19, 2007, Plaintiff received a letter from Jeffrey Murray, Acting  
13 Supervisor, Customer Assistance Office, USCIS. This letter was in response to  
14 Plaintiff's plea to the Honorable Secretary of Homeland Security, Dr. Michael  
15 Chertoff (see item 37). Attached hereto as **Exhibit “22”** is a copy of the response  
16 received by Plaintiff from Mr. Jeffrey Murray. Mr. Murray's letter does not mention  
17 anything about the relief Plaintiff sought from the Honorable Secretary Dr. Michael  
18 Chertoff. The letter merely states that the Plaintiff's background investigation is still  
19 pending (even after more than 14 months), and that no exact date can be given  
20 regarding when the investigation will be completed.

21 40. On November 21, 2007, Plaintiff received a letter from the Laguna Niguel Office of  
22 the USCIS and Department of Homeland Security. The letter was not signed by any  
23 particular person. This letter was in response to Plaintiff's and Dr. Finsterle's letter to  
24 the Director of California Service Center of the USCIS. Attached hereto as **Exhibit**  
25 **“23”** is a copy of this letter from the USCIS. The letter informs Plaintiff that his  
26 background investigation is still pending, and until the background investigation is  
27 completed, they (USCIS) cannot move forward with Plaintiff's petition. The letter  
28



1 goes on to say that "Although the average processing time for the investigations is a  
2 few months, the range in duration is a few weeks to several years.

3 41. On January 2, 2008, Plaintiff called the USCIS National Customer Service hotline (1-  
4 800-375-5283) and submitted a service request to obtain a status report on his  
5 petition. On January 3, 2008, USCIS sent Plaintiff a letter. Attached hereto as **Exhibit**  
6 **"24"** is a copy of this letter. The letter informs the Plaintiff that his background  
7 investigation is still pending, and that Plaintiff should contact them again if no action  
8 is taken within 8 months from the date of this letter.

9 42. On January 18, 2008, Plaintiff received a letter from Ms. Morgan Galli, who works in  
10 the San Francisco office of Honorable Senator Dianne Feinstein. This letter was in  
11 response to Plaintiff's request (dated September 25, 2007) for assistance with his  
12 naturalization petition (see item 34). Attached hereto as **Exhibit "25"** is a copy of the  
13 Ms. Galli's letter to Plaintiff. Ms. Galli informs Plaintiff that his name check is still  
14 pending. "There us no way to determine when the name check will be completed."  
15 She also wrote that, if Plaintiff had not heard about his case from USCIS within six  
16 months, Plaintiff should again contact their office.

17 43. On January 29, 2008, Plaintiff received a letter from Michael A. Cannon, Section  
18 Chief, National Name Check Program Section, Records Management Division,  
19 Federal Bureau of Investigation. This letter was in response to the letters Plaintiff and  
20 his wife wrote to the Honorable First Lady Mrs. Laura Bush. Attached hereto as  
21 **Exhibit "26"** is a copy of Mr. Cannon's letter to Plaintiff. In his letter, Mr. Cannon  
22 acknowledges that Plaintiff's name check is pending with the FBI since September  
23 21, 2006. While Mr. Cannon could not give Plaintiff an exact date for completion of  
24 Plaintiff's name check, he (Mr. Cannon) assured Plaintiff that "the results will be  
25 made available to the immigration authorities as quickly as possible. By then (January  
26 29, 2008), Plaintiff's naturalization petition has been pending for close to 17 months.

27 44. On May 28, 2008, Plaintiff once again called the National Customer Service hotline  
28 (at 1-800-375-5283) to submit a service request. Plaintiff's call was elevated to a



1 higher level immigration officer. This higher level immigration officer informed  
2 Plaintiff that a service could not be submitted because Plaintiff submitted a service  
3 request on January 2, 2008 (see item 41), which was less than 8 months ago. Note that  
4 USCIS previously allowed petitioners to submit service requests after 60 days of the  
5 previous service request.

6 45. Though he does not expect to receive any new information, after the May 28, 2008,  
7 conversation with an IO, Plaintiff has made yet another INFOPASS appointment at  
8 SFDO for June 11, 2008 (appointment for an earlier day was not available).

9 46. On June 2, 2008, Plaintiff once again called the National Customer Service hotline (at  
10 1-800-375-5283). Plaintiff received the same message that his naturalization petition  
11 was still pending.

12 47. Summarizing, Plaintiff Sumit Mukhopadhyay has exhausted administrative remedies  
13 on his petition for naturalization, and he has lost hope on obtaining a resolution on his  
14 naturalization petition through administrative processes. Plaintiff has pleaded with  
15 the authorities to take action on his petition. However, Defendants have not shown  
16 any consideration towards Plaintiff's sufferings, other than telling him to wait and to  
17 extend the waiting period by six or eight months every time Plaintiff pleaded with the  
18 authorities.

19 Plaintiff is a respected member of the US scientific community, is engaged in  
20 scientific research work that is of critical interest to the US Department of Energy  
21 (DOE). US DOE has conferred a *Commitment of Excellence Award* on Plaintiff in  
22 2004 in recognition of Plaintiff's contributions.

23 Plaintiff has been lawfully present in the US for over 18 years since January 1990,  
24 and has always complied with immigration and civil laws, has never been arrested or  
25 convicted of a crime, and has never presented a security risk to the US. Yet, his  
26 naturalization petition has been delayed indefinitely on the grounds of background  
27 investigation. He has thus been denied the opportunity to lead a peaceful family life  
28

1 because of the indefinite delay resulting from the Defendants' action (or lack of it).

2 Defendants' inaction has also affected Plaintiff's professional productivity.

3 48. According to Plaintiff's Freedom of Information Privacy Act results, FBI found "NO  
4 RECORDS" on Plaintiff in their CRS System.

5 49. Plaintiff's application for naturalization has been pending since September 2006.

6 Plaintiff has appeared for fingerprinting appointment as scheduled Defendant is ready  
7 and willing to present himself for any interview with the USCIS and FBI at a date and  
8 time of their choice. Thus, the delay cannot be attributed to him.

9 50. The FBI acknowledges that they received Plaintiff's name check request on  
10 September 21, 2006 but for the last more than one year and eight months (20 months),  
11 the FBI has failed to take any action whatsoever on Plaintiff's name check request.

12 51. The Defendants have failed to properly adjudicate the Plaintiff's applications. They  
13 have failed to adhere to their own regulations and have improperly delayed the  
14 processing of Plaintiff's N-400 Application after the Plaintiff had submitted a  
15 properly executed application. In general, Congress has laid down the parameters of  
16 reasonableness in immigration adjudication, stating: "It is the sense of Congress that  
17 the processing of an immigration benefit application should be completed not later  
18 than 180 days after the initial filing of the application." 8 U.S.C. § 1571. Plaintiff's  
19 initial filing of his application was on September 5, 2006; to date it has been 638 days  
20 since Plaintiff's initial filing. According to the USCIS website for District Office  
21 Processing Dates for SFDO, Posted on May 15, 2008, USCIS is now processing  
22 cases with Receipt Notice Date of July 6, 2007 for N-400 applications, whereas  
23 Plaintiff's Receipt Notice Date is September 5, 2006. Attached hereto as **Exhibit**  
24 **"27"** is the aforementioned information printed from USCIS website.

25 52. Defendants have sufficient information to determine Plaintiff's eligibility pursuant to  
26 applicable requirements and complete the processing procedures.

27 INJURY TO PLAINTIFF

53. Defendants' failure to timely process Plaintiff's naturalization application, including any name check, has caused and will continue to cause irreparable injury to Plaintiff. Defendants' failure to adjudicate Plaintiff's application has caused extreme hardship as well as distress for Plaintiff and his wife by causing continued break up of their family structure, as Plaintiff's wife is currently forced to live in India, and unable to live in the United States. The Defendants' failure to adjudicate Plaintiff's application has also delayed the process of starting a family for Plaintiff and his wife, and may have actually reduced the chances of them having a family (because of Plaintiff's and his wife's ages). Furthermore, Plaintiff has been forced to maintain two households, one in India, and the other in the United States, which has become a serious financial burden for him. The Defendants' inaction has also forced Plaintiff to spend significant amount of hard-earned financial resources on paying telephone bills for international calls. In short, the Defendants' inaction has put the Plaintiff's life on hold indefinitely; the delay being a result of some administrative problems that Plaintiff has to pay "waiting years of life" for it.

- a. Specifically, Plaintiff has been unable to obtain his U.S. citizenship; and therefore, it delays Plaintiff to be united with his wife. The excessive holdup in Plaintiff's Naturalization application has caused him and his family an undue hardship as well as distress since it prevents the entire family from having a normal and peaceful life. It is also preventing Plaintiff and his wife from having children and begin a meaningful family life.
- b. Plaintiff is not entitled for benefits only available to U.S. citizens. Therefore Defendants' unreasonable delay in adjudicating naturalization application deprived Plaintiff of citizenship benefits like a right to vote and fully participate in our democracy; receive a United States passport; hold a job that is restricted to United States citizens only.
- c. Plaintiff has lost significant work time and money while pursuing his application for naturalization, making inquiries with USCIS and FBI, traveling

1 to SFDO for numerous INFOPASS appointments, contacting his local  
2 senator's office, contacting the Director of California Service Center of the  
3 USCIS, contacting the Director of Homeland Security, and contacting First  
4 Lady Laura Bush's office,. All of these result in significant expenses  
5 financially, mentally, and time-wise.

6 54. The Administrative Procedure Act requires administrative agencies to conclude  
7 matters presented to them "within a reasonable time." 5 U.S.C. § 555. A district court  
8 reviewing agency action may "compel agency action unlawfully withheld or  
9 unreasonable delayed." 5 U.S.C. § 706(1). The court also may hold unlawful and set  
10 aside agency action that, inter alia, is found to be: "arbitrary, capricious, an abuse of  
11 discretion, or otherwise not in accordance with law," 5 U.S.C. §706(2)(A); "in excess  
12 of statutory jurisdiction, authority, or Limitations, or short of statutory right," 5  
13 U.S.C. § 706(2)(C); or "without observance of procedure required by law," 5 U.S.C. §  
14 706(2)(D). "Agency action" includes, in relevant part, "an agency rule, order, license,  
15 sanction, relief, or the equivalent or denial thereof, or failure to act." 5 U.S.C.  
16 §551(13).

17 55. The Defendants, in violation of the Administrative Procedures Act, 5 USC §§ 555 et  
18 seq., 701 et seq., are unlawfully withholding action on the Plaintiff's application and  
19 have failed to carry out the adjudicative functions delegated to them by law with  
20 regard to the Plaintiff's case.

21 56. Plaintiff has provided sufficient evidence of his attempt to secure adjudication of  
22 these applications at this issue, all to no avail. Accordingly Plaintiff has been forced  
23 to file a petition in this court.

24 PRAYER FOR RELIEF

25 57. WHEREFORE, in view of the arguments and authority noted herein, Plaintiff  
26 respectfully prays that the Defendants be cited to appear herein and that, upon due  
27 consideration, the court enter an order:

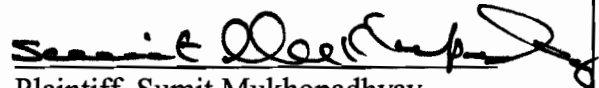
28 a. Assume jurisdiction over this matter.



- b. Declare that the Defendants' failure to act is illegal, arbitrary, capricious, and abuse of discretion.
- c. Compel Defendants and those acting under them to perform their duty to act on completing Plaintiff's name check and to adjudicate Plaintiff's application for naturalization within a reasonable time period specified by this court.
- d. Award Plaintiff reasonable costs of this suit.
- e. Grant such other and further relief as this Court deems just and appropriate.

Dated: June 3, 2008

Respectfully Submitted.



Plaintiff, Sumit Mukhopadhyay  
3375 Carlson Boulevard, Apartment #11  
El Cerrito, CA 94530  
Phone: (510) 495-2440  
Email: smukhopa2002@yahoo.com  
Pro Se.

PERMANENT RESIDENT CARD

NAME MUKHOPADHYAY, SUMIT

INS A# 072-904-457

Birthdate 08/01/68 Category E16 Sex M

Country of Birth India

CARD EXPIRES 01/07/12

Resident Since 11/28/01

C1USA0729044579WAC0104453044<<  
6608017M1201077IND<<<<<<<<<<<<9  
MUKHOPADHYAY<<SUMIT<<<<<<<<<<<<

Exhibit "2"

# Sumit Mukhopadhyay

Hydrogeology Department  
Lawrence Berkeley National Laboratory

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1 Cyclotron Rd, MS 90R1116, Berkeley CA 94720  
Voice: (510) 495-2440 • EMail: [SMukhopadhyay@lbl.gov](mailto:SMukhopadhyay@lbl.gov)

## Education

- 1990-1995 Ph.D., Chemical Engineering, University of Southern California, Los Angeles, USA  
1983-1987 B.S., Chemical Engineering (Honors), Jadavpur University, India

## Professional Experience

- Since 2004 Career Scientific Staff, Lawrence Berkeley National Laboratory  
1998-2004 Scientist, Lawrence Berkeley National Laboratory  
1995-1997 Postdoctoral Research Associate, Purdue University  
1990-1995 Graduate Assistant, University of Southern California  
1988-1989 Assistant Director, Oil & Natural Gas Commission, India.

## Awards & Honors

- 2007 **Outstanding Performance Award**, *Lawrence Berkeley National Laboratory*  
2004 **Commitment to Excellence Award**, *US Department of Energy*  
2004 Star Award, Bechtel SAIC  
2003 Significant Contribution Spot Award, Lawrence Berkeley National Laboratory  
2000 *Membership to Sigma Xi Scientific Honor Society for Significant Contributions*  
1999 Biography published in Marquee's Who's Who in Science and Technology, Who's Who in America, and Who's Who in the World  
1995 Outstanding Academic Achievement Award, University of Southern California  
1994 John J. Watumul Scholarship, University of Southern California  
1981-1987 National Scholarship, Govt. of India

## Research Interest

Mathematical modeling and numerical simulation of multiphase, multi-component reactive and non-reactive transport in the saturated and unsaturated zone

Subsurface carbon dioxide sequestration for reduction of carbon in the atmosphere

Biogeochemical transport modeling for microbial reduction of toxic metals in groundwater  
 Feedback of reactive transport processes on groundwater flow in the unsaturated zone  
 Flowing fluid temperature logging as a new tool for characterization of the vadose zone  
 Flow and transport processes in large-scale, heterogeneous porous and fractured media

### Book Chapter

- 1994 M. Sahimi and **S. Mukhopadhyay**  
 Fractals: Basic Concepts and Selected Applications  
*Encyclopedia of Telecommunications*, Froelich and Kent, Eds., Volume 8, 219-269, Marcel Dekker, New York, NY

### Journal Publications

- 2008 Y.W. Tsang, J.T. Birkholzer, and **S. Mukhopadhyay**  
 Modeling of Thermally-Driven Hydrological Processes in Partially-Saturated Fractured Rocks  
*Reviews of Geophysics*, **Invited Review Paper** (in review)
- 2008 **S. Mukhopadhyay** and Y. W. Tsang  
 Determination of Transport Properties From Flowing Fluid Temperature Logging in Unsaturated Fractured Rocks: I. Theory and Semi-analytical Solution  
*Water Resources Research* (in review)
- 2008 **S. Mukhopadhyay**, Y. W. Tsang, and S. Finsterle  
 Determination of Transport Properties From Flowing Fluid Temperature Logging in Unsaturated Fractured Rocks: II. Parameter Estimation and Uncertainty Analysis  
*Water Resources Research* (in review)
- 2008 **S. Mukhopadhyay**, E.L. Sonnenthal, and Nicolas Spycher  
 Modeling Coupled Heat Transfer and Reactive Transport Processes in Unsaturated Porous Media: Applications in Seepage Modeling Studies at Yucca Mountain, Nevada  
*Journal of Porous Media* (in review)
- 2008 **S. Mukhopadhyay**, E.L. Sonnenthal, B. Faybishenko, S. Hubbard, and T. Hazen  
 Modeling Lactate-Induced Microbial Reduction of Cr(VI) at the Hanford 100H Site  
*Environmental Science and Technology* (in preparation)
- 2008 M. B. Kowalsky, J. T. Birkholzer, J. Peterson, S. Finsterle, **S. Mukhopadhyay**, and Y. Tsang  
 Sensitivity Analysis for Joint inversion of Ground-Penetrating Radar and Thermal-Hydrological Data From a Large-Scale Underground Heater Test  
*Nuclear Technology* (accepted for publication)
- 2007 **S. Mukhopadhyay**, Y.W. Tsang, and J.T. Birkholzer  
 Estimation of Field-Scale Thermal Conductivities of Unsaturated Fractured Rocks From In Situ Temperature Data  
*Water Resources Research*, 43, W09418, doi: 10.1029/2006WR005283
- 2006 **S. Mukhopadhyay**, E.L. Sonnenthal, and N. Spycher  
 Modeling Coupled Thermal-Hydrological-Chemical Processes in the Unsaturated



- Fractured Rocks at Yucca Mountain, Nevada: Heterogeneity and Seepage  
*Physics and Chemistry of the Earth*, doi: 10.1016/j.jpce.2006.04.018, 31, 626-633
- 2006 Y.S. Wu, **S. Mukhopadhyay**, K. Zhang, and G.S. Bodvarsson  
 A Mountain-Scale Thermal-Hydrologic Model for Simulating Fluid Flow and Heat Transfer in Unsaturated Fractured Rock  
*Journal of Contaminant Hydrology*, doi: 10.1016/j.conhyd.2006.02.015, 86, 128-159
- 2004 J.T. Birkholzer, **S. Mukhopadhyay**, and Y.W. Tsang  
 The Impact of Preferential Flow on the Vaporization Barrier Above the Waste Emplacement Drifts at Yucca Mountain Nevada  
*Nuclear Technology*, 48(2), 138-150, 2004
- 2004 J.T. Birkholzer, **S. Mukhopadhyay**, and Y.W. Tsang  
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- 2003 **S. Mukhopadhyay** and Y.W. Tsang  
 Uncertainties in Coupled Thermal-Hydrological Processes Associated With the Drift-Scale Test at Yucca Mountain, Nevada  
*Journal of Contaminant Hydrology*, 62-63, 595-612
- 2002 **S. Mukhopadhyay** and Y.W. Tsang  
 Understanding the Anomalous Temperature Data From the Large Block Test at Yucca Mountain, Nevada  
*Water Resources Research*, 38(10), 28-1-28-12
- 2000 **S. Mukhopadhyay** and M. Sahimi  
 Calculation of the Effective Permeabilities of a Heterogeneous Porous Medium  
*Chemical Engineering Science*, 55, 4495-4513
- 1998 **S. Mukhopadhyay** and J.H. Cushman  
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*Transport in Porous Media*, 31, 145-181
- 1998 **S. Mukhopadhyay** and J.H. Cushman  
 Monte Carlo Simulation of Contaminant Transport: II. Morphological Disorder and Percolation  
*Transport in Porous Media*, 31, 183-211
- 1998 **S. Mukhopadhyay** and J.H. Cushman  
 Diffusive Transport of Volatile Pollutants in Non-Aqueous Phase Liquid Contaminated Soil: A Fractal Model  
*Transport in Porous Media*, 30, 125-154
- 1997 **S. Mukhopadhyay** and J.H. Cushman  
 Monte Carlo Simulation of Radioactive Contaminant Transport in Fractured Geologic Media: Disorder and Long-Range Correlations  
 Materials Research Society Symposium Proceedings on *Scientific Basis for Nuclear Waste Management*, 465, 885-892
- 1996 M. Sahimi and **S. Mukhopadhyay**  
 Scaling Properties of a Percolation Model With Long-Range Correlations  
*Physical Review E*, 54(4), 3870-3880
- 1994 **S. Mukhopadhyay** and M. Sahimi

Scaling Behavior of Permeability and Conductivity Anisotropy Near the Percolation Threshold  
Journal of Statistical Physics, 74(5-6), 1301-1308

### **Selected Reports for US Department of Energy**

- 2007 **Mukhopadhyay, S.**, Spycher, N., Sonnenthal, E.L., Zhang, G., and Finsterle, S.  
THC Sensitivity of Heterogeneous Permeability and Capillarity Effects  
ANL-NBS-HS-000047 REV 01, Lead Laboratory Sandia National Laboratory, Las Vegas, Nevada
- 2007 Spycher, N., Sonnenthal, E.L., Zhang, G., and **Mukhopadhyay, S.**  
Drift-Scale THC Seepage Model  
MDL-NBS-HS-00001 REV 05, Lead Laboratory Sandia National Laboratory, Las Vegas, Nevada
- 2006 Spycher, N., **Mukhopadhyay, S.**, and Sonnenthal, E.L.  
THC Sensitivity of Repository Edge and Heterogeneous Permeability Effects  
ANL-NBS-HS-000047 REV 00, Bechtel SAIC, Las Vegas, Nevada
- 2005 Birkholzer, J.T., **Mukhopadhyay, S.**, and Tsang, Y.W.  
The Drift Scale Coupled Processes (DST and TH Seepage) Models  
MDL-NBS-HS-00015 REV 02, Bechtel SAIC, Las Vegas, Nevada
- 2004 Birkholzer, J.T., **Mukhopadhyay, S.**, and Tsang, Y.W.  
The Drift Scale Coupled Processes (DST and TH Seepage) Models  
MDL-NBS-HS-00015 REV 01, Bechtel SAIC, Las Vegas, Nevada
- 2003 Birkholzer, J.T., **Mukhopadhyay, S.**, and Tsang, Y.W.  
The Drift Scale Coupled Processes (DST and TH Seepage) Models  
MDL-NBS-HS-00015 REV 00, Bechtel SAIC, Las Vegas, Nevada
- 2003 Wu, Y-S., **Mukhopadhyay, S.**, Sonnenthal, E.L., Rutqvist, J., and Zhang, K.  
Mountain-Scale coupled processes (TH/THC/THM) models  
MDL-NBS-HS-00007 REV 01, Bechtel SAIC, Las Vegas, Nevada
- 2003 Liu, H.H., Wu, Y-S., Ahlers, C.F., and **Mukhopadhyay, S.**  
Analysis of hydrologic property data  
ANL-NBS-HS-00014 REV 01, Bechtel SAIC, Las Vegas, Nevada

### **Selected Conference Proceedings/Presentations**

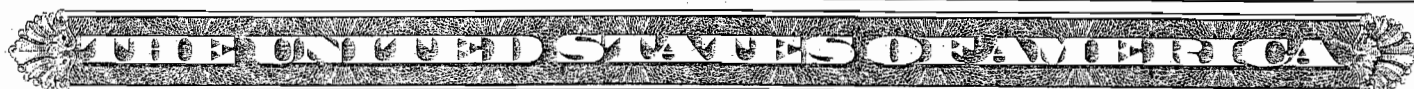
- 2007 **Mukhopadhyay, S.**, E.L. Sonnenthal, and N. Spycher  
Modeling of coupled heat transfer and reactive transport processes in porous media: application to seepage studies at Yucca Mountain, Nevada  
Second International Conference on Porous Medium and Its Applications in Science, Engineering, and Industry, Engineering Conferences International, Kauai, HI, June 17-21, 2007
- 2007 **Mukhopadhyay S.**, E.L. Sonnenthal, and N. Spycher  
Feedack of coupled thermal-hydrological-chemical processes on flow in unsaturated fractured rock: application in seepage modeling studies  
Groundwater Summit, National Groundwater Association, Albuquerque, NM, April 29-May 3, 2007. LBNL-61967 Abs.

- 2006 Hubbard, S., K. Williams, T. Scheibe, J. Peterson, J. Chen, **S. Mukhopadhyay**, E.L. Sonnenthal, and C.I. Steefel  
Improved understanding of natural system processes through coupling of geophysical characterization and numerical modeling approaches  
*Eos. Trans. AGU*, 87 (52), Fall Meet. Supple.
- 2006 Wu, Y-S., **S. Mukhopadhyay**, K. Zhang, and G.S. Bodvarsson  
The Influence of Proposed Repository Thermal Load on Multiphase Flow and Heat Transfer in the Unsaturated Zone of Yucca Mountain  
International High Level Radioactive Waste Management Conference, Las Vegas, Nevada, American Nuclear Society, April 30-May 2, 2006 (LBNL-59783)
- 2006 Wu, Y-S., **S. Mukhopadhyay**, K. Zhang, and G. S. Bodvarsson  
Modeling Coupled Processes of Multiphase Flow and Heat Transfer in the Unsaturated Fractured Rock  
Computational Methods in Water Resources, XVI International Conference. Copenhagen, Denmark, UTD, June 18-22, 2006 (LBNL-58677)
- 2006 Hubbard, S., J. Chen, Y. Fang, K. Williams, **S. Mukhopadhyay**, E. Sonnenthal, K. McFarlane, N. Linde and T. Scheibe  
Improved parameterization of hydrological models and reduction of geophysical monitoring data ambiguity through joint use of geophysical and numerical modeling methods  
CWMR XVI -Computational Methods in Water Resources, Copenhagen, Denmark, June 19-22, 2006 (LBNL-59834)
- 2006 Kowalsky, M., Birkholzer, J.T., Finsterle, S., Peterson, J., **Mukhopadhyay, S.**, and Tsang, Y.  
Joint inversion of ground-penetrating radar and thermal-hydrological data collected during a large-scale heater test  
Proceedings of the 5<sup>th</sup> TOUGH Symposium, Lawrence Berkeley National Laboratory, Berkeley, CA, May, 2006
- 2005 **Mukhopadhyay, S.**, Sonnenthal, E.L., and Spycher, N.  
Modeling coupled thermal-hydrological-chemical processes at Yucca Mountain: flow channeling and seepage into drifts  
Migration'05, Avignon, France, September 18-23, 2005
- 2004 **Mukhopadhyay, S.**  
An integral finite-difference approach for modeling heat transfer and multiphase flow in large-scale porous media: Concepts and applications  
Presented to the Department of Chemical Engineering, Indian Institute of Technology, Kharagpur, June, 2004
- 2004 **Mukhopadhyay, S.**  
A finite-integral approach for modeling heat transfer and multiphase transport in large-scale porous media  
Presented to the Department of Chemical Engineering, Indian Institute of Technology, Guwahati, January, 2004
- 2003 Birkholzer, J.T., **Mukhopadhyay, S.**, and Tsang, Y.  
Modeling water seepage into heated waste emplacement drifts at Yucca Mountain  
Proceedings of the 4<sup>th</sup> TOUGH Symposium, Lawrence Berkeley National Laboratory, Berkeley, CA, May, 2003.
- 2003 **Mukhopadhyay, S.**  
Modeling heat-driven multiphase transport at Yucca Mountain, Nevada



- Presented to the Department of Chemical Engineering, Indian Institute of Technology, Kanpur, India, April, 2003
- 2003 Birkholzer, J.T., **Mukhopadhyay, S.**, and Tsang, Y.  
Analysis of the vaporization barrier over emplacement drifts  
Proceedings of the 10<sup>th</sup> High-Level Radioactive Waste Management Conference, American Nuclear Society, Las Vegas, NV, March 30-April 2, 2003
- 2001 **Mukhopadhyay, S.** and Tsang, Y.  
Vapor transport through fractures and other high-permeability paths: Its role in the Drift Scale Test at Yucca Mountain  
Proceedings of the 2001 Annual Fall Meeting, American Geophysical Union, San Francisco, CA, December, 2001
- 2001 **Mukhopadhyay, S.**  
Understanding the thermal-hydrological processes from the Drift Scale Test: Measured data, numerical models and uncertainties  
13<sup>th</sup> Thermal Test Workshop, Sandia National Laboratory, Albuquerque, NM, October, 2001
- 2001 Wagner, R. A., Ballard, S., Blair, S. C., and **Mukhopadhyay, S.**  
A methodology for validation of process models used to simulate thermal tests at Yucca Mountain  
Proceedings of the 38<sup>th</sup>. U.S. Rock Mechanics Symposium, American Rock Mechanics Association, Washington, DC, July 2001
- 2001 **Mukhopadhyay, S.**  
Predictive simulations of the cooling phase in the Drift Scale Test at Yucca Mountain, Nevada  
12<sup>th</sup> Thermal Test Workshop, Office of the Civilian Radioactive Waste Management, Las Vegas, NV, June 2001
- 2000 **Mukhopadhyay, S.** and Tsang, Y.  
Integrative analysis of measured and simulated temperature data from the Drift Scale Test at Yucca Mountain  
11<sup>th</sup> Thermal Test Workshop, Lawrence Berkeley National Laboratory, Berkeley, CA, October, 2000
- 2000 **Mukhopadhyay, S.**  
Predictive simulations of the thermal response from the Cross Drift Thermal Test  
10<sup>th</sup> Thermal Test Workshop, Lawrence Livermore National Laboratory, Livermore, CA, March, 2000
- 1999 Tsang, Y. and **Mukhopadhyay, S.**  
Analysis of the coupled heat, moisture and vapor transport processes of the Drift Scale Test at Yucca Mountain  
Proceedings of the Annual Fall Meeting of the American Geophysical Union, San Francisco, CA, December, 1999
- 1999 **Mukhopadhyay, S.** and Tsang, Y.  
Understanding the thermal-hydrology in unsaturated fractured rock: The Large Block Test  
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- 1999 **Mukhopadhyay, S.**  
TOUGH2 simulations of the DST: UZ Drift Scale property set and TTFY99 property set  
9<sup>th</sup> Thermal Test Workshop, Sandia National Laboratories, Albuquerque, NM, November, 1999

- 1997 **Mukhopadhyay, S.** and Cushman, J. H.  
Monte Carlo simulation of contaminant transport: Disorder and fracture-matrix interflow  
Proceedings of the Annual Fall Meeting of the American Institute of Chemical Engineers,  
Los Angeles, CA, November, 1997
- 1997 **Mukhopadhyay, S.**  
Monte Carlo simulation of radioactive contaminant transport in the geologic media near  
Yucca Mountain, Nevada  
4th. SIAM Conference on Mathematical and Computational Issues in Geosciences,  
Albuquerque, NM, June, 1997
- 1996 **Mukhopadhyay, S.** and Cushman, J.H.  
Monte Carlo simulation of contaminant transport in fractured geologic media American  
Geophysical Union Annual Fall Meeting, San Francisco, CA, December, 1996
- 1996 **Mukhopadhyay, S.** and Cushman, J.H.  
Monte Carlo simulation of radioactive contaminant transport in fractured geologic media:  
Disorder and long-range correlations  
Materials Research Society Annual Fall Meeting, Boston, MA, December, 1996
- 1992 **Mukhopadhyay, S.** and Sahimi, M.  
Heat transfer and two-phase flow in heterogeneous porous media  
Proceedings of the Western Regional Meeting of SPE, Bakersfield, California, 30th. March  
- 2nd. April, 1992



Receipt with Exception			NOTICE DATE September 12, 2006
CASE TYPE N400 Application For Naturalization			USCIS A# A 072 904 457
APPLICATION NUMBER WSC*001583317	RECEIVED DATE September 05, 2006	PRIORITY DATE September 05, 2006	PAGE 1 of 1

APPLICANT NAME AND MAILING ADDRESS SUMIT MUKHOPADHYAY 3375 CARLSON BLVD APT 11 EL CERRITO CA 94530	PAYMENT INFORMATION:  Single Application Fee: \$400.00 Total Amount Received: \$400.00 Total Balance Due: \$0.00
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|||||

The above application has been received by our office and is in process, but has been noted with one or more of the following exception(s):

Missing Evidence(s) - your application was missing evidence(s) that you will need to provide at the time of your naturalization interview. You will be notified under separate notice of the necessary evidence(s) that you will be required to bring to your interview. Do not submit any evidence(s) by mail.

Exhibit "3"

Our records indicate your personal information is as follows:

Date of Birth: August 01, 1966  
 Address Where You Live: 3375 CARLSON BLVD APT 11  
 EL CERRITO CA 94530

Please verify your personal information listed above and immediately notify our office at the address or phone number listed below if there are any changes.

You will be notified of the date and place of your interview when you have been scheduled by the local USCIS office. You should expect to be notified within 460 days of this notice.

**IMPORTANT NOTICE:** All naturalization applicants who were between the ages of 14-75 at the time of filing must have their fingerprints taken at a USCIS Application Support Center (ASC) so they can be submitted to the Federal Bureau of Investigation for a criminal history check. If we received your application without a fingerprint card (FD-258), or your fingerprint card was received on or after December 3, 1997, you will need to go to an ASC to be fingerprinted. Do not have your fingerprints taken anywhere else. You will receive a notice that will provide you with information about when and where to go to have your fingerprints taken, and what you will need to bring with you. Please inform the office listed below immediately of any address changes.

If you have any questions or comments regarding this notice or the status of your case, please contact our office at the below address or customer service number. You will be notified separately about any other cases you may have filed.

If you have other questions about possible immigration benefits and services, filing information, or USCIS forms, please call the USCIS National Customer Service Center (NCSC) at 1-800-375-5283. If you are hearing impaired, please call the NCSC TDD at 1-800-767-1833.

If you have access to the Internet, you can also visit USCIS at [www.uscis.gov](http://www.uscis.gov). Here you can find valuable information about forms and filing instructions, and about general immigration services and benefits. At present, this site does not provide case status information.

<b>USCIS Office Address:</b> U.S. CITIZENSHIP AND IMMIGRATION SERVICES CALIFORNIA SERVICE CENTER P.O BOX 10400 LAGUNA NIGUEL CA 92607-	<b>USCIS Customer Service Number:</b> (800) 375-5283
--	---

APPLICANT COPY

WSC\$001693622







Fingerprint Notification		NOTICE DATE September 14, 2006	
CASE TYPE N400 Application For Naturalization		USCIS A# A 072 904 457	
APPLICATION NUMBER WSC*001583317	RECEIVED DATE September 05, 2006	PRIORITY DATE September 05, 2006	PAGE 1 of 1
APPLICANT NAME AND MAILING ADDRESS SUMIT MUKHOPADHYAY 3375 CARLSON BLVD APT 10 EL CERRITO CA 94530		<b>BIOMETRIC PROCESSING STAMP</b> ASC SITE CODE: <b>XJ3</b> BIOMETRICS QA REVIEW BY: <b>820817</b> ON <b>9/29/06</b> 	
<p>To process your application, USCIS must take your fingerprints and have them cleared by the FBI. <b>PLEASE APPEAR AT THE BELOW APPLICATION SUPPORT CENTER AT THE DATE AND TIME SPECIFIED.</b> If you are unable to do so, complete the bottom of this notice and return the entire original notice to the address below. <b>RESCHEDULING YOUR APPOINTMENT WILL DELAY YOUR APPLICATION. IF YOU FAIL TO APPEAR AS SCHEDULED BELOW OR FAIL TO REQUEST RESCHEDULING, YOUR APPLICATION WILL BE CONSIDERED ABANDONED.</b></p>			
<b>APPLICATION SUPPORT CENTER</b> CIS OAKLAND 2040 TELEGRAPH AVE. OAKLAND CA 94612		<b>DATE AND TIME OF APPOINTMENT</b> 09/29/2006 11:00 AM <b>Exhibit "4"</b>	
<p><b>WHEN YOU GO TO THE APPLICATION SUPPORT CENTER TO HAVE YOUR FINGERPRINTS TAKEN, YOU MUST BRING:</b></p> <ol style="list-style-type: none"><li>1. <b>THIS APPOINTMENT NOTICE</b> and</li><li>2. <b>PHOTO IDENTIFICATION.</b> Naturalization applicants must bring their Alien Registration Card. All other applicants must bring a passport, driver's license, national ID, military ID, or State-issued photo ID. If you appear without proper identification, you will not be fingerprinted.</li></ol>			
<p><b>PLEASE DISREGARD THIS NOTICE IF YOUR APPLICATION HAS ALREADY BEEN GRANTED.</b></p>			
<p align="center"><b>REQUEST FOR RESCHEDULING</b></p> <p>Please reschedule my appointment for the next available: <input type="checkbox"/> Wednesday afternoon <input type="checkbox"/> Saturday afternoon</p> <p>USCIS cannot guarantee the day preferred, but will do so to the extent possible. Upon receipt of your request, you will be provided a new appointment notice. Please mail your request to:</p> <p>CIS OAKLAND 2040 TELEGRAPH AVE. OAKLAND CA 94612</p> <p>If you have any questions regarding this notice, please call 1-800-375-5283.</p> <p>APPLICATION NUMBER WSC*001583317</p> <p align="right"><b>APPLICANT COPY</b> </p>			
<p align="center"><b>WARNING!</b></p> <p><i>Due to limited seating availability in our lobby areas, only persons who are necessary to assist with transportation or completing the fingerprint worksheet should accompany you.</i></p>			





Exhibit "5"

**Name: Sumit Mukhopadhyay**  
**Appointment Speak to immigration officer**  
**Type:**

**Confirmation SFR-06-50173**  
**No.:**

**Appointment November 30, 2006**  
**Date:**

**Authentication 176a5**  
**Code:**

**Appointment 9:00**  
**Time: AM**

**Location: 444 WASHINGTON STREET, San Francisco, CA 94111; LOBBY**

**This is your Confirmation**  
**Number:**



**If you wish to cancel this appointment, you will need the**  
**following Personal Identification Number:**

**75318**

**Please be on time. Failure to show up on time will result in the cancellation of your appointment. You will then need to reschedule your appointment. You will not be admitted more than 15 minutes before your scheduled appointment time.**

- **You must appear in person and bring photo identification along with this appointment letter.**
- **Acceptable forms of identification are any of the following: Government issued identification, passport, valid driver's license, I-94, Work Authorization Card, or Permanent Resident Card. (Green Card)**
- **In order to serve you more efficiently, we require you to bring all applicable immigration forms, letters, receipts, translations and originals of supporting documents.**
- **NOTE: Cell phones that have camera features are not permitted in the building. Food and drinks are not permitted in the waiting room. In order to facilitate easy and swift entrance, you are advised to keep handbags and metal objects to a minimum by leave such items at home or with persons who will remain outside the building.**

Exhibit "6"

Sumit Mukhopadhyay  
3375 Carlson Boulevard  
Apt#11  
El Cerrito, CA 94530  
Phone: 510-495-2440  
Fax: 510-486-5686  
E-mail: [SMukhopadhyay@lbl.gov](mailto:SMukhopadhyay@lbl.gov)

December 8, 2006

Director  
California Service Center  
US Citizenship and Immigration Services  
P.O Box 10400  
Laguna Niguel, CA 92607.

*Ref: Application for Naturalization, Receipt# WSC\*001583317*

Dear Director,

My naturalization application with the above receipt number and priority date of September 5, 2006 has been pending with the US Citizenship and Immigration Services (USCIS) for more than three months. My Alien Registration number is A072904457. I completed my fingerprinting at the Oakland Application Support Center of the USCIS on September 29, 2006. I made an INFOPASS appointment with the San Francisco District Office (SFDO) on November 29, 2006. However, I was unable to obtain any information from the INFOPASS that is not already available from online case status search. I was advised by the SFDO to contact you directly, and I am thus writing this letter requesting your help.

Based on my personal knowledge, some of my friends with later priority dates have already obtained their interview letters. An online status search also tells me that many with priority dates similar to mine have received their interview letters. My case on the other hand is getting delayed indefinitely, presumably stuck somewhere in the name check process.

This delay in completing the naturalization process is causing serious troubles in my family life and putting unbearable strains on my marriage. I got married in India in March of 2006. As a permanent resident, I could not bring my wife to the US quickly. I thus decided to apply for naturalization at the earliest possible time permissible under law (5 years minus 90 days after November 28, 2001, when I became a permanent resident). I was hoping that I would be able to bring her to the US through a K-3 visa after completion of my naturalization process. However, given the delay and uncertainty I am already facing, I believe this is not feasible any more.

To sum up my case, I am a member of the scientific/technical staff of the Lawrence Berkeley National Laboratory (LBNL) in Berkeley, California, one of the premier research institutions in the US. I came to the US almost seventeen years ago with an American dream, like many other young men and women before me. I received a Ph.D. in engineering from a reputed US university, and then joined the faculty of another reputed US university as a research associate. Since 1998, I have been at the LBNL, *researching on developing technologies for subsurface disposal of radioactive materials*. I have published consistently in reputed scientific journals and have won recognition from my peers for my scientific contribution in the form of awards/honors.

Overall, I believe that the scientific community in the US and the US society in general have benefited from my work. In recognition of the criticality and importance of my scientific contribution, I was granted permanent residency under the *EB-1A (persons of extraordinary ability)* category. The former INS once (in 1997) also approved an *expedited H-1B* petition filed by LBNL with me as the beneficiary.

I have never violated any law (except two minor traffic violations more than ten years ago), have always paid my taxes, and I believe I possess a good moral character.

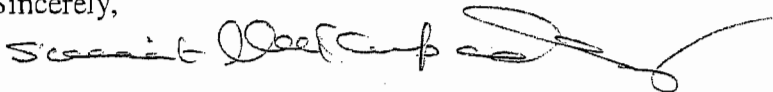
I want to live in the US and continue with my research work uninterrupted. However, there is a limit to which I can compromise my family life. The delay in the naturalization process, and the absence of any other legal means to bring my wife to the US expeditiously, has rendered my situation such that I may have to give up that dream (of pursuing a scientific research career as a law-abiding citizen of the US). This will of course disrupt and destroy the career/livelihood/life I have built up through hard work and personal sacrifice over the last seventeen years.

I am thus writing you wanting to know the following: 1. Given my rather straightforward case, what is causing the delay in adjudicating my case? 2. When can I expect a decision on my case? 3. Is there any way to expedite my case?

Your answers will help me and my wife decide on our future course of action. Any help from you in this regard will be gratefully appreciated.

I am looking forward to receive a reply from you soon. Thanking you for your attention to this matter

Sincerely,

A handwritten signature in black ink, appearing to read 'Sumit Mukhopadhyay', with a long, sweeping flourish extending to the right.

Sumit Mukhopadhyay, Ph.D.

Exhibit "7"



Name: **Sumit Mukhopadhyay**  
Appointment Speak to immigration officer  
Type:

Confirmation SFR-07-18  
No.:

Appointment **January 5, 2007**  
Date:

Authentication 176a5  
Code:  
Appointment **8:45**  
Time: **AM**

Location: 444 WASHINGTON STREET, San Francisco, CA 94111; LOBBY

This is your Confirmation  
Number:

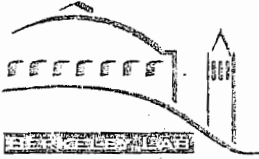


If you wish to cancel this appointment, you will need the  
following Personal Identification Number:  
**54553**

Please be on time. Failure to show up on time will result in the cancellation of your appointment. You will then need to reschedule your appointment. You will not be admitted more than 15 minutes before your scheduled appointment time.

- You must appear in person and bring photo identification along with this appointment letter.
- Acceptable forms of identification are any of the following: Government issued identification, passport, valid driver's license, I-94, Work Authorization Card, or Permanent Resident Card. (Green Card)
- In order to serve you more efficiently, we require you to bring all applicable immigration forms, letters, receipts, translations and originals of supporting documents.
- NOTE: Cell phones that have camera features are not permitted in the building. Food and drinks are not permitted in the waiting room. In order to facilitate easy and swift entrance, you are advised to keep handbags and metal objects to a minimum by leave such items at home or with persons who will remain outside the building.





## Exhibit "8"

Sumit Mukhopadhyay  
3375 Carlson Boulevard  
Apt#11  
El Cerrito, CA 94530  
Phone: 510-495-2440  
Fax: 510-486-5686  
E-mail: [SMukhopadhyay@lbl.gov](mailto:SMukhopadhyay@lbl.gov)

January 8, 2007

Honorable Senator Dianne Feinstein  
One Post Street, Suite 2450  
San Francisco, CA 94104.

*Ref: Request for Casework Assistance with N-400, Application for Naturalization,  
Receipt# WSC\*001583317*

Dear Senator Feinstein,

I am writing you this letter under tremendous distress. You have always been a champion of family values, and I am thus hoping that you will be able to help me get united with my wife and also help me pursue a stable family life.

I got married in India in March of 2006. My wife is in India and she intends to join me as soon as possible. She has never been to the US previously.

I have been a permanent resident for more than five years now and I applied for naturalization in September of 2006. You can find the details about me and my case in the attachments submitted with this letter.

My plan has been to obtain my US citizenship and then apply for her K-3 visa, which will allow her to join me. However, my application for naturalization is stuck in the national name check process performed by the FBI (per the information I obtained from the San Francisco District Office of the US Immigration and Citizenship Services) and a definite date for resolution of this process is not available.

From personal knowledge and simple web-based searches, it appears that many (who have applied after me) have moved forward of me. Some have even completed their naturalization process. Given my relatively simple case (see the attachment), it is surprising that mine will be stuck in the name check process.

I have already spent more than 10 months without my wife. The delay in the name check process means that we (myself and my wife) may have to live separately for an indefinite time. This is causing serious problems in our marriage/plans for family life. If not resolved expeditiously, since I want to protect our marriage at any cost, I will end up

losing my livelihood and career, which I have built up as an immigrant through hard work and perseverance over 17 years.

As an aspiring/potential US citizen, I am thus requesting you to assist me (if possible) with the following:

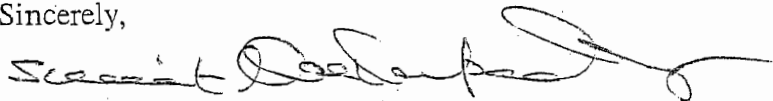
1. Expedite the name check process and the naturalization process. From the FBI's website, I understand they do entertain expeditious name check requests under emergency situations.
2. In case the name check process still takes a long time to complete, suggest me a way to bring my wife to the US so that she can live with me – Is it possible to apply for a non-immigrant visitors' visa for her (even if for a limited period of time)? If such a visa is permissible, I am willing to give an assurance that she will return to India at the expiry of the visitors visa and will come back to the US again after my naturalization process is complete and her K-3 visa is ready.

I have included all relevant information about myself and my case in the attachment with this letter. However, should you need any further information, please feel free to contact me.

I am also attaching the signed Casework Authorization Form with this letter.

I am looking forward to hearing from you soon. Thanking you for your kind assistance with my case

Sincerely,

A handwritten signature in black ink, appearing to read 'Sumit Mukhopadhyay', with a stylized flourish at the end.

Sumit Mukhopadhyay, Ph.D.

**Attachment I: Casework Assistance Request for N-400, Application for  
Naturalization (Receipt Number: WSC\*001583317)**

**Beneficiary:** Sumit Mukhopadhyay

**About Myself**

1. I am a member of the scientific staff at *Lawrence Berkeley National Laboratory (LBNL)*, Berkeley, CA. I have been working at the LBNL for close to 9 years.
2. My research focuses on developing technologies for environmental remediation and protection.
3. I have received awards/honors in recognition of my research contribution. I have been nominated to full membership of *Sigma Xi Scientific Research Society for noteworthy achievement in science*. My biography has been published in *Who's Who in America* and *Who's Who in Science and Technology*. I have also won awards from *LBNL, Bechtel, SAIC Company, University of Southern California*, and the *Govt. of India* at various stages of my career.
4. I have published consistently in reputed scientific journals and I have represented LBNL in numerous national/international conferences.
5. I have been granted permanent residency under *EB-1A (persons of extraordinary ability)* category.
6. I came to the US more than 17 years ago. I received a *Ph.D.* in chemical engineering from the University of Southern California (in Los Angeles). I was also a member of the research faculty at Purdue University.
7. I have never violated any law (except two minor traffic violations more than 10 years ago).
8. I have always paid my taxes.

**Why Am I Requesting Assistance?**

1. I married in March of 2006. My wife is in India. We are living separately for more than 10 months now.
2. I applied for naturalization in September of 2006, hoping that, once I become a US citizen, I will bring her to the US on a K-3 visa and proceed with green card application.
3. My N-400 application is stuck in the FBI name check process and it is not clear when this will be resolved.
4. This indefinite delay is causing serious problems in my family life and plans for the future.
5. I am thus requesting assistance to expedite the naturalization process.
6. I also want to find out if I can bring her to the US on a temporary visa, as the naturalization process for me is completed.

**Information About My Case**

1. N-400 Receipt Number: WSC\*001583317
2. N-400 Priority Date: September 5, 2006
3. Finger Print Date: September 29, 2006
4. Alien Registration Number: A072904457

**Steps I Have Taken So Far**

1. Made an INFOPASS appointment on November 29, 2006 – no useful information obtained. Rudely treated by the officer.
2. Wrote a letter to the director of the California Service Center of the USCIS – no reply as of the date of this Casework Assistance Request.
3. Sent an e-mail (on December 12, 2006) to the Consular Officer of the US Consulate at Kolkata, India (where my wife is currently living) – wanting to find out whether a temporary visa application for my wife will be honored or not.
4. Resent the above e-mail on January 5, 2007 – no reply till date.
5. Made a second INFOPASS appointment on January 5, 2007 – was told that the FBI name check is pending. Office was very polite and helpful – she sent she would send an e-mail to find out the cause of the delay. She also suggested contacting the senator's office.



Exhibit "9"

Sumit Mukhopadhyay  
3375 Carlson Boulevard  
El Cerrito, CA 94530  
Ph: (510) 558-1469 (H)  
(510) 495-2440 (O)  
Fax: (510) 486-5686  
SMukhopadhyay@lbl.gov

February 5, 2007

To:  
David M. Hardy, Chief  
Record/Information Dissemination Section  
Federal Bureau of Investigation  
935 Pennsylvania Avenue, N.W.  
Washington, D.C. 20535

*Sub: PRIVACY ACT REQUEST*

Dear Mr. Hardy:

Under the Freedom of Information Act, 5 U.S.C. section 552 and the Privacy Act, 5 U.S.C. section 552a, please furnish me with copies of all records about me indexed to my name or my identifying information, maintained in the Central Records System (CRS).

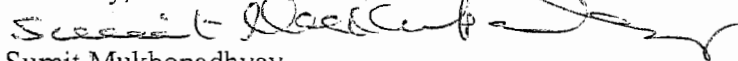
To help identify information about me in your records systems and/or programs, I am providing the following identifying information:

Full Name: **Sumit Mukhopadhyay**  
Date of Birth: August 1, 1966  
Place of Birth: Kolkata (Calcutta), India  
Social Security Number: 626-30-5934  
Alien Registration (A#): 072904457  
Current Address: 3375 Carlson Boulevard, El Cerrito, CA 94530  
Home Phone Number: 510-558-1469

If you have any questions about handling this request, you may phone me at 510-495-2440 (day or evenings), or e-mail me at [Smukhopadhyay@lbl.gov](mailto:Smukhopadhyay@lbl.gov).

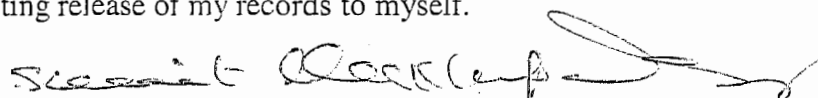
Thanking you for your attention to this matter

Sincerely,

  
Sumit Mukhopadhyay

Pursuant to 28 U.S.C. 1746, I certify under penalty of perjury that the foregoing is true and correct and that I am requesting release of my records to myself.

Executed on February 5, 2007.





U.S. Department of Justice

Exhibit "10"

Federal Bureau of Investigation

Washington, D.C. 20535

February 9, 2007

MR SUMIT MUKHOPADHYAY  
3375 CARLSON BOULEVARD  
EL CERRITO, CA 94530

Request No.: 1069387- 000  
Subject: MUKHOPADHYAY, SUMIT

Dear Requester:

This is in response to your Freedom of Information-Privacy Acts (FOIPA) request noted above.

To promptly respond to requests, we concentrate on identifying main files in the central records system at FBI Headquarters. No records responsive to your FOIPA request were located by a search of the automated indices.

You may file an administrative appeal by writing to the Director, Office of Information and Privacy, United States Department of Justice, 1425 New York Ave., NW, Suite 11050, Washington, D.C. 20530-0001, within sixty days from the date of this letter. The envelope and the letter should be clearly marked "Freedom of Information Appeal" or "Information-Appeal." Please cite the FOIPA number assigned to your request so that it may be easily identified.

Enclosed for your information is a copy of the FBI File Fact Sheet.

Sincerely yours,

A handwritten signature in black ink, appearing to read "D. Hardy", is written over a horizontal line.

David M. Hardy  
Section Chief,  
Record/Information  
Dissemination Section  
Records Management Division

Enclosure

## FBI FILE FACT SHEET

- The primary function of the FBI is law enforcement.  
**The FBI does not keep a file on every citizen of the United States.**
- **The FBI was not established until 1908 and we have very few records prior to the 1920's.**
- **FBI files generally contain reports** of FBI investigations of a wide range of matters, including counterterrorism, foreign counter-intelligence, organized crime/drugs, violent crime, white-collar crime, applicants, and civil rights.
- **The FBI does not issue clearances or nonclearances for anyone other than its own personnel or persons having access to FBI facilities.** Background investigations for security clearances are conducted by many different Government agencies. Persons who received a clearance while in the military or employed with some other government agency should write directly to that entity.
- **An FBI identification record or "rap sheet" is NOT the same as an FBI "file" - it is simply a listing of information taken from fingerprint cards submitted to the FBI in connection with arrests, federal employment, naturalization, or military service. The subject of a "rap sheet" may obtain a copy by submitting a written request to FBI, CJIS Division, Attn: SCU, Mod. D-2, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306. Each request must have proof of identity which shall consist of **name, date and place of birth and a set of rolled-ink fingerprint impressions** placed upon fingerprint cards or forms commonly utilized for applicant or law enforcement purposes by law enforcement agencies, plus **payment of \$18.00** in the form of a certified check or money order, payable to the Treasury of the United States.**
- **The National Name Check Program (NNCP)** conducts a search of the FBI's Universal Index to identify any information contained in FBI records that may be associated with an individual and provides the results of that search to the requesting Federal, State or local agency. For the NNCP, a name is searched in a multitude of combinations and phonetic spellings to ensure all records are located. The NNCP also searches for both "main" and "cross reference" files. A main file is an entry that carries the name corresponding to the subject of a file while a cross reference is merely a mention of an individual contained in a file. The results from a search of this magnitude can result in several "hits" and "idents" on an individual. In each instance where UNI has identified a name variation or reference, information must be reviewed to determine whether it is applicable to the individual in question.
- **The Record/Information Dissemination Section/Freedom of Information-Privacy Acts (FOIPA)** search for records provides copies of FBI files relevant to a FOIPA request for information. FOIPA provides responsive documents to requesters seeking "reasonably described information." For a FOIPA search, the subject name, event, activity, business, or event is searched to determine whether there is an investigative file associated with the subject. This is called a "main file search" and differs from The NNCP search.

FOR GENERAL INFORMATION ABOUT THE FBI,  
CHECK OUT OUR WEBSITE AT  
<http://www.fbi.gov>

United States Senate

WASHINGTON, DC 20510-0504

<http://feinstein.senate.gov>

February 9, 2007

Mr. Sumit Mukhopadhyay  
3375 Carlson Boulevard, Apt. #11  
El Cerrito, California 94530

Exhibit "11"

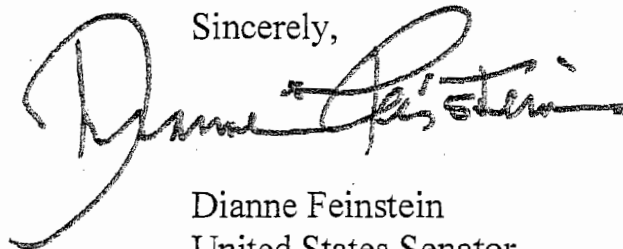
Dear Mr. Mukhopadhyay:

Thank you for contacting my office regarding your concerns with the status of your name check. I appreciate your bringing this to my attention and giving me an opportunity to see if my office can be of assistance.

I have asked Morgan Galli in my San Francisco office to assist you. Ms. Galli has contacted the Federal Bureau of Investigation on your behalf. You will hear back from my office when a response is received from the agency, which usually takes eight to ten weeks.

Again, thank you for contacting me. My San Francisco staff will do all they can to help you.

Sincerely,



Dianne Feinstein  
United States Senator

DF:mg





Ernest Orlando Lawrence Berkeley National Laboratory

February 14, 2007

Exhibit "12"

Mr. William L. Hooton  
Assistant Director  
Records Management Division  
Federal Bureau of Investigation  
935 Pennsylvania Avenue, NW  
Washington, D.C. 20535

*Sub: Request for expediting Dr. Sumit Mukhopadhyay's namecheck process*

Dear Mr. Hooton,

I am writing this letter on behalf of Dr. Sumit Mukhopadhyay. In early September 2006, Dr. Mukhopadhyay applied for naturalization with the United States Citizenship and Immigration Services (USCIS). According to the USCIS, they cannot proceed with Dr. Mukhopadhyay's naturalization petition until it is cleared by the Federal Bureau of Investigation's (FBI) National Name Check Program (NNCP). Dr. Mukhopadhyay's namecheck is pending with the NNCP since September 2006.

For your convenience, information about Dr. Mukhopadhyay and his naturalization petition is provided in Attachment I, which was given to me by Dr. Mukhopadhyay.

I am a Senior Staff Scientist and the Head of the Nuclear Waste Program at the Lawrence Berkeley National Laboratory (LBNL) at Berkeley, California. My team members and I are engaged in addressing technical challenges associated with subsurface disposal of radioactive wastes at Yucca Mountain, Nevada. The Yucca Mountain Project (YMP) is a project of *critical national importance* and is progressing on a very tight schedule to meet various congressional mandates.

Dr. Mukhopadhyay is one of the key scientists working on the YMP at LBNL and is a valuable member of my team. For my team to be able to fulfill our commitments on the YMP, it is important that Dr. Mukhopadhyay is able to continue with his scientific work without much distraction and interruption.

Dr. Mukhopadhyay is a permanent resident of the United States. In March 2006, he got married in India. However, his wife has not been able to join him in the US because no visa is immediately available to spouses of permanent residents. Dr. Mukhopadhyay's plan has been to

obtain US citizenship for himself and then bring his wife to the US on a K-3 visa. Accordingly, he applied for naturalization as soon as he became eligible (September, 2006).

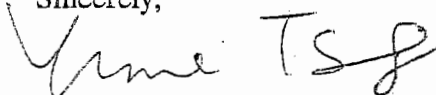
However, the delay in the namecheck process has resulted in an indefinite period of separation between the two. This is causing serious mental hardship for Dr. Mukhopadhyay and his wife.

I am greatly concerned that, if this delay continues, the mental anxiety caused by it may adversely affect the valuable scientific contributions that Dr. Mukhopadhyay makes to my team. This may in turn have a negative impact on the timely progress of YMP at this national laboratory.

I am writing this on Dr. Mukhopadhyay's behalf in the hope that you will be able to expedite Dr. Mukhopadhyay's namecheck process, hence brightening the prospect that he will soon be united with his wife, and alleviating the immense mental stress he has been experiencing. Any progress in this regard will also help my research team in fulfilling our commitments on the YMP.

I will greatly appreciate any assistance that you may be able to provide in this regard. Thanking you in advance for your attention to this matter

Sincerely,



Yvonne Tsang, Ph.D.  
Senior Staff Scientist  
Head, Nuclear Waste Program

Enclosures: Attachment I

**Attachment I**

**Information About Dr. Sumit Mukhopadhyay and his Naturalization Petition**

1. Name: Sumit Mukhopadhyay
2. Address: 3375 Carlson Boulevard  
Apartment#11  
El Cerrito, California 94530.
3. Home Phone: 510-558-1469
4. Work Phone: 510-495-2440
5. Fax: 510-486-5686
6. e-mail: [Smukhopadhyay@lbl.gov](mailto:Smukhopadhyay@lbl.gov)
7. Date of Birth: August 1, 1966
8. Place of Birth: Kolkata (Calcutta), India
9. Present Nationality: Indian
10. Social Security No.: 626-30-5934
11. *Alien Registration No.:* A072904457
12. *Naturalization Case No.:* WSC\*001583317
13. USCIS Service Center: California Service Center
14. Priority Date: September 5, 2006
15. FOIPA Request No.: 1069387-000
16. Result of FOIPA: ***No FBI Records*** (as of 02/09/2007)



Exhibit "13"

Name: **Sumit Mukhopadhyay**  
Appointment Speak to immigration officer  
Type:

Confirmation SFR-07-11777  
No.:

Appointment **April 13, 2007**  
Date:

Authentication 176a5  
Code:  
Appointment **8:15**  
Time: **AM**

Location: 444 WASHINGTON STREET, San Francisco, CA 94111; LOBBY

**This is your Confirmation  
Number:**



\* S F R - 8 7 - 1 1 7 7 7 \*

**If you wish to cancel this appointment, you will need the  
following Personal Identification Number:  
35914**

Please be on time. Failure to show up on time will result in the cancellation of your appointment. You will then need to reschedule your appointment. You will not be admitted more than 15 minutes before your scheduled appointment time.

- You must appear in person and bring photo identification along with this appointment letter.
- Acceptable forms of identification are any of the following: Government issued identification, passport, valid driver's license, I-94, Work Authorization Card, or Permanent Resident Card. (Green Card)
- In order to serve you more efficiently, we require you to bring all applicable immigration forms, letters, receipts, translations and originals of supporting documents.
- NOTE: Cell phones that have camera features are not permitted in the building. Food and drinks are not permitted in the waiting room. In order to facilitate easy and swift entrance, you are advised to keep handbags and metal objects to a minimum by leave such items at home or with persons who will remain outside the building.



Exhibit "14"

U.S. Department of Homeland Security  
USCIS  
630 Sansome Street  
San Francisco, CA 94111



U.S. Citizenship  
and Immigration  
Services

Monday, June 11, 2007

SUMIT MUKHOPADHYAY  
3375 CARLSON BVLD APT 11  
EL CERRITO CA 94530

Dear Sumit Mukhopadhyay:

On 06/06/2007 you, or the designated representative shown below, contacted us about your case. Some of the key information given to us at that time was the following:

<b>Caller indicated they are:</b>	Applicant or Petitioner
<b>Attorney Name:</b>	Information not available
<b>Case type:</b>	N400
<b>Filing date:</b>	09/05/2006
<b>Receipt #:</b>	WSC*001583317
<b>Beneficiary (if you filed for someone else):</b>	Information not available
<b>Your USCIS Account Number (A-number):</b>	A072904457
<b>Type of service requested:</b>	Outside Normal Processing Times

The status of this service request is:

The processing of your case has been delayed. A check of our records establishes that your case is not yet ready for decision, as the required investigation into your background remains open.

Until the background investigation is completed, we cannot move forward on your case. These background checks are required to be completed on all applicants who apply for the immigration benefit you are seeking. We will make every effort to make a decision on this case as soon as the background checks are complete. If you do not receive a decision or other notice of action from us within 6 months of this letter, please contact us by calling our customer service number provided below.

If you have any further questions, please call the National Customer Service Center at 1-800-375-5283.

Please remember: By law, every person who is not a U.S. citizen and who is over the age of 14 must also notify the Department of Homeland Security within 10 days from when they move (persons in "A" or "G" nonimmigrant status are exempt from this requirement). If you have moved, please complete a Form AR-11 and mail it to the address shown on that form. If you do not have this form, you can download it from our website or you can call the National Customer Service Center at 1-800-375-5283 and we can order one for you. If you move, please call us with your new address information as soon as your move is complete. If you have already called us and given us this information, you do not need to call again.

U.S. Citizenship and Immigration Services

DIANNE FEINSTEIN  
CALIFORNIA

COMMITTEE ON APPROPRIATIONS  
COMMITTEE ON THE JUDICIARY  
COMMITTEE ON RULES AND  
ADMINISTRATION—CHAIRMAN  
SELECT COMMITTEE ON INTELLIGENCE

## United States Senate

WASHINGTON, DC 20510-0504

<http://feinstein.senate.gov>

June 15, 2007

Exhibit "15"

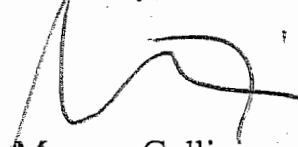
Mr. Sumit Mukhopadhyay  
3375 Carlson Boulevard, Apt. #11  
El Cerrito, California 94530

Dear Mr. Mukhopadhyay:

The Federal Bureau of Investigation has told me that your name check has been pending since September 21, 2006. The FBI requests that our office wait one year before making a name check inquiry.

I hope that this information is helpful and that it will clarify the situation for you. If you have further questions, or if there is any way the Senator's office can help you in the future on other federal matters, I hope you will contact us again.

Sincerely,



Morgan Galli  
Constituent Services Representative

U.S. Department of Homeland Security  
USCIS  
630 Sansome Street  
San Francisco, CA 94111



**U.S. Citizenship  
and Immigration  
Services**

Monday, August 13, 2007

SUMIT MUKHOPADHYAY  
3375 CARLSON BVLD APT 11  
EL CERRITO CA 94530

Exhibit "16"

Dear Sumit Mukhopadhyay:

On 08/13/2007 you, or the designated representative shown below, contacted us about your case. Some of the key information given to us at that time was the following:

<b>Caller indicated they are:</b>	Applicant or Petitioner
<b>Attorney Name:</b>	Information not available
<b>Case type:</b>	N400
<b>Filing date:</b>	09/05/2006
<b>Receipt #:</b>	WSC*001583317
<b>Beneficiary (if you filed for someone else):</b>	Information not available
<b>Your USCIS Account Number (A-number):</b>	A072904457
<b>Type of service requested:</b>	Outside Normal Processing Times

The status of this service request is:

The processing of your case has been delayed. A check of our records establishes that your case is not yet ready for decision, as the required investigation into your background remains open.

Until the background investigation is completed, we cannot move forward on your case. These background checks are required to be completed on all applicants who apply for the immigration benefit you are seeking. We will make every effort to make a decision on this case as soon as the background checks are complete. If you do not receive a decision or other notice of action from us within 6 months of this letter, please contact us by calling our customer service number provided below.

If you have any further questions, please call the National Customer Service Center at 1-800-375-5283.

Please remember: By law, every person who is not a U.S. citizen and who is over the age of 14 must also notify the Department of Homeland Security within 10 days from when they move (persons in "A" or "G" nonimmigrant status are exempt from this requirement). If you have moved, please complete a Form AR-11 and mail it to the address shown on that form. If you do not have this form, you can download it from our website or you can call the National Customer Service Center at 1-800-375-5283 and we can order one for you. If you move, please call us with your new address information as soon as your move is complete. If you have already called us and given us this information, you do not need to call again.

U.S. Citizenship and Immigration Services



Ernest Orlando Lawrence Berkeley National Laboratory

September 25, 2007

## Exhibit "17"

Ms. Morgan Galli  
Constituent Services Representative  
Office of the Honorable Senator Dianne Feinstein  
One Post Street, Suite 2450  
San Francisco, CA 94104.

*Ref: Request for Casework Assistance with N-400, Application for Naturalization, Receipt#  
WSC\*001583317*

Dear Ms. Galli,

I have written you a letter (a copy of which is attached) on January 8, 2007, with a request for casework assistance for my naturalization application (Receipt# WSC\*001583317). The naturalization application was filed on September 5, 2006 with the California Service Center of the USCIS.

On June 15, you replied that my name check was pending with the FBI since September 21, 2006, and the FBI has requested you to wait one year before making a name check enquiry. I am attaching a copy of your June 15 letter for your convenience.

More than one year has passed since September 21, 2006 and I have not received any information from either the USCIS or the FBI indicating that my name check process has been completed. I contacted the USCIS on August 14, and I was informed that my name check was still pending. My employer also contacted the FBI enquiring about the status of my name check process. However, no reply was received.

According to the FBI's website, more than 97-98% of the name check requests are completed in less than 120 days. I fail to understand why mine should take more than one year (all my friends got cleared in less than 2-3 months). I work as a member of the technical staff at Lawrence Berkeley National Laboratory (LBNL) at Berkeley, California. I have a distinguished career record (including an *outstanding performance award* from the LBNL) and have been living in the US as a law-abiding person for the last almost eighteen years. I filed a FOIPA request with the FBI and they found no record for me.

Yet, I am being made to wait for an indefinite period. This indefinite delay is causing serious damage to my career, my mental and physical health. As I wrote you in my January 8 letter, without completing my naturalization process, I cannot bring my wife to the US. We are living separately for last one and one-half years, causing serious



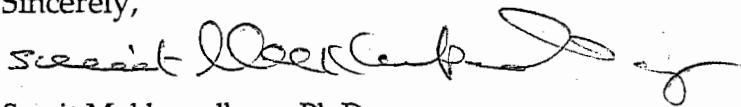
troubles in my marriage. I have come to a point in life where, if this matter is not resolved quickly, I will be forced to abandon my career and livelihood under stress.

I do not know why I am being denied the most basic of human rights, i.e., my right to live a peaceful family life. This is a strange way of making a hard working and law-abiding person suffer.

I am thus writing you as a last option. May I sincerely request you to find out, on my behalf, why my name check is being delayed and when can I expect this process to be completed.

Thanking you for your cooperation in this matter and hoping to receive a reply from you soon

Sincerely,

A handwritten signature in black ink, appearing to read 'Sumit Mukhopadhyay', with a stylized flourish at the end.

Sumit Mukhopadhyay, Ph.D.

Attachments

1. Copy of June 15 letter from your office
2. Copy of my January 8 letter

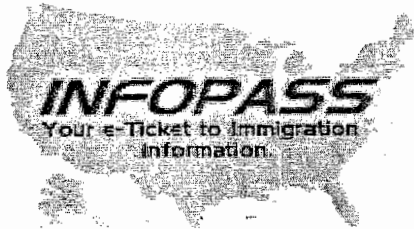


Exhibit "18"

**Name:** Sumit Mukhopadhyay  
**Appointment Type:** Speak to immigration officer  
**Confirmation No.:** SFR-07-31151      **Authentication Code:** 176a5  
**Appointment Date:** September 28, 2007  
**Appointment Time:** 8:30 AM  
**Location:** 444 WASHINGTON STREET, San Francisco, CA 94111;  
LOBBY

**This is your Confirmation  
Number:**



**If you wish to cancel this appointment, you will need the  
following Personal Identification Number:  
53076**

**Please be on time. Failure to show up on time will result in the cancellation of  
your appointment. You will then need to reschedule your appointment. You will  
not be admitted more than 15 minutes before your scheduled appointment time.**

- **You must appear in person and bring photo identification along with this appointment letter.**
- **Acceptable forms of identification are any of the following: Government issued identification, passport, valid driver's license, I-94, Work Authorization Card, or Permanent Resident Card. (Green Card)**
- **In order that we may serve you more efficiently, we recommend that you bring all applicable immigration forms, letters, receipts and supporting documents. If translations are used, they should be certified. Please bring the original documents as well.**
- **NOTE: Cell phones that have camera features are not permitted in the building. Food and drinks are not permitted in the waiting room. In order to facilitate easy and swift entrance, you are advised to keep handbags and metal objects to a minimum by leave such items at home or with persons who will remain outside the building.**

Exhibit "19"

Sumit Mukhopadhyay  
3375 Carlson Boulevard  
Apartment# 11  
El Cerrito, CA 94530  
Tel: 510-495-2440  
Fax: 510-486-5686  
e-mail:SMukhopadhyay@lbl.gov

October 11, 2007

Director  
California Service Center  
United States Citizenship and Immigration Services  
P.O. Box 10400  
Laguna Niguel, CA 92607.

**Sub: Naturalization Petition of Dr. Sumit Mukhopadhyay (Case# WSC\*001583317)**

Dear Director,

I filed my naturalization petition with your office on September 5, 2006. My naturalization petition has not been adjudicated for more than thirteen (13) months now, because of a pending FBI name check.

I write this letter to request you to urge the FBI to expedite my name check process. I make this request on grounds of excessive hardship caused to my wife and me, as we are living separately for more than nineteen months (19) now because no visa is immediately available to spouses of permanent residents.

Our hardship is more so because we want to start a family as soon as possible. We are 41 (myself) and 31 (my wife) years old, respectively, and every passing day is making it more difficult for us to realize that dream.

Moreover, as a member of the scientific staff at Lawrence Berkeley National Laboratory (LBNL), I am involved in cutting edge scientific and technological research to ensure the energy security of the US. A happy personal life, in my opinion, is a prerequisite for remaining productive in professional life. The uncertainty with my naturalization is causing me tremendous distress, thereby reducing my productivity.

For your information, I am one of the key scientists at LBNL working on the Yucca Mountain Project (YMP), a project of critical US national interest for her energy security. Over the last ten years, I have made significant contributions in the YMP, as can be seen from my professional resume (which is attached with this letter).

With this letter, I am also attaching a letter from Dr. Stefan Finsterle, Head, Hydrogeology Department at LBNL, supporting my request to urge the FBI to expedite my name check process.

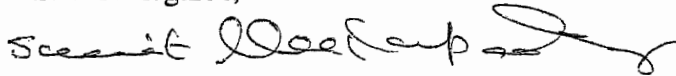
In his letter, after detailing the vital importance of my research work, Dr. Finsterle states that, *"it is in the Nation's best interest to make a special effort to retain a valuable scientist who has proven his allegiance to the US over many years by – among other things – performing outstanding and difficult work in support of our energy*

security." He also states that any expeditious progress with my name check will eventually help our department fulfill our commitments to the YMP and the DOE.

I thus sincerely request you to urge the FBI to expedite my name check process on grounds of excessive hardship and also from humanitarian consideration. An early resolution of this matter will help me regain my focus to something I deeply love, doing my research work to ensure our energy security. It will also help me reunite with my wife.

I will much appreciate any help you may provide in this regard. Thanking you for your attention to this matter

With Best Regards,



Sumit Mukhopadhyay, Ph.D.  
Hydrogeology Department  
Earth Sciences Division  
Lawrence Berkeley National Laboratory  
One Cyclotron Road, Berkeley, CA 94720  
Phone: 510-95-2440  
e-mail: [SMukhopadhyay@lbl.gov](mailto:SMukhopadhyay@lbl.gov)



October 10, 2007

Exhibit "19"

Director  
California Service Center  
United States Citizenship and Immigration Services  
P.O. Box 10400  
Laguna Niguel, CA 92607.

**RE: WSC\*001583317**  
***Request to Expedite Dr. Sumit Mukhopadhyay's Name Check Process***

Dear Director,

I am writing this letter in support of Dr. Sumit Mukhopadhyay's request to expedite the name check process related to his petition for U.S. citizenship. For the reasons outlined below, I consider a further delay of this process very unfortunate, as it not only prevents Dr. Mukhopadhyay's reunion with his wife, but also negatively impacts an important project of vital interest to energy security of the US.

I am the Head of the Hydrogeology Department in the Earth Sciences Division of the Lawrence Berkeley National Laboratory (LBNL), a research institute operated by the University of California for the U.S. Department of Energy (DOE). Dr. Mukhopadhyay has been working for this department since 1998.

Dr. Mukhopadhyay applied for naturalization (form N-400) with your office in 2006. Your office received his application on September 5, 2006 (see receipt number above). He has been informed by the San Francisco District Office of the USCIS that his name check is still pending with the FBI.

While I fully support a thorough name check process and understand the administrative difficulties in doing such checks, it appears that Dr. Mukhopadhyay's case has been overdue for a long time, specifically given that he was granted permanent residency under the *Persons of Extraordinary Ability* (EB-1A) category by the USCIS, and that a FOIPA request made by Dr. Mukhopadhyay to the FBI produced no record against his name. (According to information provided by the USCIS, 99% of the name check investigations are completed within six (6) months. Dr. Mukhopadhyay has been waiting for more than thirteen (13) months.)

Dr. Mukhopadhyay's primary area of research work is scientific evaluation of Yucca Mountain, Nevada, for its suitability as the site for high-level radioactive waste disposal. The Yucca Mountain Project (YMP) is a project of critical national and international interest, and is progressing on a very tight schedule to meet various congressional mandates. Dr. Mukhopadhyay is one of the key scientists working on the YMP at LBNL, and is a valuable member of my staff. For my Department to be able to fulfill its commitments on the YMP, it is absolutely vital that Dr. Mukhopadhyay is able to continue with his scientific work without much distraction and interruption.

The delay in adjudicating his naturalization petition is causing Dr. Mukhopadhyay considerable personal distress. In March 2006, he got married in India. However, his wife

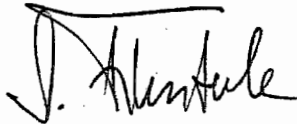
has not been able to join him in the U.S. because no visa is immediately available to spouses of permanent residents. The delay in the name check process has resulted in Dr. Mukhopadhyay and his wife being separated for more than 19 months now.

I, as Dr. Mukhopadhyay's Department Head, am greatly concerned that, if this delay continues, the personal distress caused by Dr. Mukhopadhyay's separation from his wife may adversely affect the valuable scientific contributions that he has been making in the interest of DOE. From a humanitarian perspective, I believe he deserves to be united with his wife at the earliest. This will allow him to enjoy a stable and happy family life, while continuing with his scientific work in a project of great national importance.

I am thus supporting Dr. Mukhopadhyay in his request to you to urge the FBI to expedite his name check process to avoid unnecessary personal hardship to him and his wife. I believe it is in the Nation's best interest to make a special effort to retain a valuable scientist who has proven his allegiance to the US over many years by—among other things—performing outstanding and difficult work in support of our energy security. Any progress in this regard will also help my Department fulfill its commitments to the YMP and the DOE.

I will greatly appreciate any assistance that you may be able to provide in this regard. Thanking you for your attention to this matter

Sincerely,



Stefan Finsterle, Ph.D.  
Head, Hydrogeology Department  
Earth Sciences Division  
Lawrence Berkeley National Laboratory  
Phone: 510-486-5205  
e-mail: SFinsterle@lbl.gov



Ernest Orlando Lawrence Berkeley National Laboratory

October 23, 2007

## Exhibit "20"

Honorable Secretary Dr. Michael Chertoff  
Department of Homeland Security  
Washington, D.C. 20528

### *Sub: Request for expediting name check process*

Dear Secretary Chertoff,

I am writing you this letter under tremendous mental distress, with the hope that you will be able to help me out of the distressing situation.

I applied for naturalization on September 5, 2006, at the California Service Center (CSC) of the USCIS. My application reference number is WSC\*001583317. While more than thirteen and half months have passed, there has not been any progress with my petition.

The delay in adjudicating my naturalization petition is causing serious hardship in my personal and professional life. I married my wife in India in March of 2006. Since no visa is immediately available for spouses of permanent residents, we (me and my wife) have been living separately for the last more than 19 months, and we do not see any immediate end to that waiting. It is becoming almost unbearable to live separately like this. While I want to live in the US as a citizen and contribute professionally to the US society at large, if the delay continues, I may be forced to return to my home country. In the process, I will lose my livelihood and growing career (please see my professional resume, which is attached with this letter), a career I have built up through hard work over last eighteen years. I am thus on the verge of a mental breakdown.

During the last 13 months, I have repeatedly made enquiries with the San Francisco District Office of the USCIS. I have written letters to the Director of the CSC. I have contacted California Senator Dianne Feinstein's office. My employer (on my behalf) has written to the FBI and the Director of the CSC. However, I have never found a satisfactory answer for the cause of the delay, other than that my name check is pending with the FBI.

According to the data available publicly, 99% of the FBI name checks are completed within six months. I thus wonder what have I done that my name check will take more than 13 months (and counting). The unending delay is even more intriguing, when you consider the following facts:

1. I am member of the scientific staff at Lawrence Berkeley National Laboratory (LBNL) at Berkeley, California. LBNL is one of the premier research organizations of the *US Department of Energy* (DOE) and is the oldest national laboratory in the US. I have been working at LBNL since 1998.



2. I am one of the key scientists at LBNL involved in the DOE's Yucca Mountain Project (YMP), a project of critical national interest, to evaluate Yucca Mountain, Nevada, as the potential high-level radioactive waste repository site.
3. In 2004, the *US DOE* awarded me with a *Commitment to Excellence Award* recognizing my contribution to the YMP.
4. In September 2007, *LBNL* has awarded me with an *Outstanding Performance Award* in recognition of my scientific contribution.
5. I was granted permanent residency under the *Persons of Extraordinary Ability* (EB-1A) category by the then INS.
6. In 1997, the then INS *expedited an H-1B petition* for me (filed by LBNL on my behalf), recognizing the critical importance of my work.
7. I have been a member of number of respected professional societies.
8. A *FOIPA request made in February 2007 by me to the FBI produced no record against my name.*
9. I have always been a law-abiding person, I have never violated any law (except for two minor traffic violations), and I have always paid my taxes.

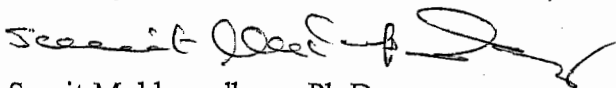
I fully understand the necessity of a thorough background investigation before granting any immigration benefit, however, I feel that delaying my case for 13 months is not reasonable, particularly when 99% of the cases are completed within six months and given my record (as described above).

I thus feel aggrieved and I also feel that I am being denied a fundamental human right, the right to live a peaceful family life, in the name of a prolonged background investigation.

I therefore humbly request you to help me by requesting the authorities concerned to expedite my name check process from humanitarian considerations. Completing the name check process without any more delay will help me unite with my wife, and also enhance my faith in the American system of governance and justice.

I will greatly appreciate any assistance that you may be able to provide in this regard. Thanking you for your attention to this matter

Sincerely,



Sumit Mukhopadhyay, Ph.D.

Attachments

1. Professional resume





Ernest Orlando Lawrence Berkeley National Laboratory

October 23, 2007

Exhibit "21"

Honorable First Lady Laura Bush  
1600 Pennsylvania Avenue NW  
Washington, DC 20550.

*Subject: An Appeal for Humanitarian Assistance*

Dear First Lady Laura Bush,

I am writing you this letter to humbly request you to provide some humanitarian assistance to my wife, Chandrani Mukhopadhyay, and me. With this letter, I am attaching a letter from my wife addressed to you. In that letter, she describes how an indefinite delay in completing a FBI name check (associated with my naturalization petition) is depriving us of the opportunity to lead a happy and meaningful family life.

You can find more about my naturalization petition and our suffering in the letter written by my wife to you. With this letter, I am also enclosing my professional resume for your kind perusal. My resume will possibly illustrate that I have shown my allegiance to the US through my humble scientific contributions over the last decade to *Department of Energy* (DOE) projects, which are critical to US national interest.

For your information, I have written to the concerned authorities repeatedly. However, I have never received a satisfactory answer for the cause of the delay.

We (me and my wife), not knowing what else we should do to resolve this impasse, are thus approaching you with a heavy yet expecting heart. As my wife writes, if you feel our pain in your heart, please save our family life by requesting the FBI/USCIS to expedite our name check process on humanitarian considerations.

We will be grateful to you for any assistance you may provide in this regard. Thanking you for your attention to this matter

With Best Regards,

Sumit Mukhopadhyay, Ph.D.

Attachments

1. Letter from Mrs. Chandrani Mukhopadhyay
2. Professional resume

## Exhibit "21"

Chandrani Mukhopadhyay  
140A, Becharam Chatterjee Road  
Behala, Kolkata-700 034  
India  
E-mail:chand\_mukh2006@yahoo.com

October 8, 2007

Honorable First Lady Laura Bush  
1600 Pennsylvania Avenue NW  
Washington, DC 20550

*Subject: An Appeal for Humanitarian Assistance.*

Dear First Lady Laura Bush,

This is a humble submission from an Indian lady to reach the sympathetic heart of the First Lady of the United States of America with the belief that the First Lady will feel my pain and will provide me some much needed assistance on humanitarian grounds.

I, Mrs. Chandrani Mukhopadhyay, married Dr. Sumit Mukhopadhyay on 3rd of March 2006 in Kolkata, India. Since our marriage, for the last 19 months and more, we have been living separately. He works and lives in the US, while I continue to live in despair in India.

My husband is a member of the scientific and technical staff at Lawrence Berkley National Laboratory (LBNL) at Berkeley, California. He is a permanent resident (A072904457) of the US since 2001. He was granted permanent residency under the *Persons of Extraordinary Ability* category by the USCIS.

My husband is a key member of a group of scientists working on the US Department of Energy's (USDOE) Yucca Mountain Project (YMP), a project of critical US national interest. My husband won a *Commitment to Excellence Award* from the USDOE in 2004 for his contribution to the YMP. Only last month, LBNL awarded my husband an *Outstanding Performance Award*. My husband has also been a member of a number of reputed professional societies.

In September 2006, my husband applied for naturalization with the USCIS (Case# WSC\*001583317). A decision has not yet been made on his naturalization petition over the last thirteen (13) plus months because of a pending *name check* investigation. While, according to the data provided by the USCIS, 99% of the name check investigations are completed within six (6) months, we continue to wait indefinitely for some unknown reasons.

Since no visas are immediately available for spouses of permanent residents, I have been waiting patiently for his naturalization petition to be approved, so that I can join him in a happy conjugal life and long desired unity on the US soil.

In my opinion, my husband is and has been making solid contributions to the field of science and technology for last 18 years with utmost sincerity and devotion, combating his lonely, isolated life there at USA. I, as his proud wife,

sincerely feel that he is being unfairly and unjustly denied the opportunity to live a peaceful family life.

Moreover, he is 41 years old and I am 31 years old. We want to start a family as soon as possible. Yet the delay with his naturalization petition is denying both of us this most basic of human rights. I am hoping that you, as a woman and a caring mother, will understand the feeling of hollowness in our (mine and my husband's) lives.

Both of us have deep faith on the US system of law and order, and its administration being able to provide equitable justice to all. We, thus, have been and still are waiting calmly and patiently, hoping that the US Government and USCIS will show proper respect to our human rights. However, after this long and endless wait, we feel aggrieved and we feel that we are being subjected to unfair treatment.

As love and emotion knows no bounds and regulations, my husband often wonders whether leaving his present profession is the only option left for him so that he can be united with me, his first love. I understand his frustration. If he is forced to take such a step, it will come at the cost of his other love - his much cherished scientific research work. I, as his wife, his friend, his love, cannot allow him to leave his other love for that of mine.

I am aware that I may have encroached upon your busy schedule, and may have crossed some formal limits, which is perhaps the consequence of my limitless emotion within, and the kind of sufferings I have been going through for such a long time. If you feel my suffering in your heart, please take some expeditious action and help save two lives and their loves.

I hope that you will be able to help us out of this situation.  
Thanking you for your attention to this matter

With Best Regards,

*Chandrani Mukhopadhyay*  
Chandrani Mukhopadhyay

U.S. Department of Homeland Security  
Washington, DC 20529



U.S. Citizenship  
and Immigration  
Services

Exhibit "22"

HQCIS 181/48.2-C

NOV 19 2007

Mr. Sumit Mukhopadhyay  
Apartment 11  
3375 Carlson Boulevard  
El Cerrito, CA 94530

Dear Mr. Mukhopadhyay:

Thank you for your letter dated October 23, 2007, to Secretary Michael Chertoff, Secretary of the U.S. Department of Homeland Security, concerning the status of your Form N-400 Application for Naturalization. Secretary Chertoff's office forwarded your letter to the U.S. Citizenship and Immigration Services (USCIS) for a response. We have assigned it case # 736430.

We understand the concern that prompted you to send your inquiry and appreciate your desire to resolve your immigration issue. Our records reflect that the processing of your N-400 case has been delayed because the required investigation into your background is still in process. Until the background investigation is completed, we cannot move forward on this case.

Please understand that these background checks are required to be completed on all applicants who apply for naturalization. Attached, you will find two enclosures with detailed information regarding why the process exists, how it works, as well as the circumstances when the process can be expedited.

While an exact date for completion of your background check cannot be given at this time, we will make every effort to make a decision on this case as soon as the background check is complete. Once it is completed, the next step in the naturalization application process requires you to appear in person for an examination and interview.

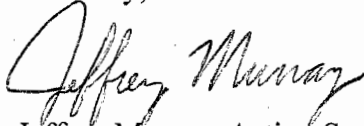


Mr. Sumit Mukhopadhyay  
Page 2

We appreciate your continued patience and understanding. If you need additional assistance or filing instructions, we invite you to contact the USCIS National Customer Service Center at 1-800-375-5283 or visit our web site at [www.uscis.gov](http://www.uscis.gov).

We trust that this information is helpful.

Sincerely,



Jeffrey Murray, Acting Supervisor  
Customer Assistance Office  
U.S. Citizenship and Immigration Services  
U.S. Department of Homeland Security

Enclosures: Fact Sheet, Immigration Security Checks- How and Why the Process Works  
USCIS Update, USCIS Clarifies Criteria to Expedite FBI Name Check

Exhibit "23"

U.S. Department of Homeland Security  
P.O. Box 30111  
Laguna Niguel, CA 92607-0111



U.S. Citizenship  
and Immigration  
Services

Date: November 21, 2007

Sumit Mukhopadhyay  
3375 Carlos Boulevard # 11  
El Cerrito, CA 94530

Re: A 72904457 - Naturalization Status Inquiry

Dear Applicant:

In your inquiry with USCIS, you requested the status of your pending N-400 Application for Naturalization. We have not scheduled you for an interview because your background investigation is still pending. Until the background investigation is completed, we cannot move forward on your case. These background checks are required to be completed on all applicants who apply for the immigration benefit you are seeking. Once your background check is completed your local District Office will be scheduling your case for interview. There is no way for us to estimate the duration of your background investigation because it is not conducted by our agency. Although the average processing time for the investigations is a few months, the range in duration is a few weeks to several years no further action is necessary at this time.

Thank you very much for your cooperation.

Please call the National Customer Service Center toll free number at 1- (800) 375-5283 or visit our website at: <http://www.USCIS.GOV> for additional information. Thank you.

Exhibit "24"

U.S. Department of Homeland Security  
USCIS  
630 Sansome Street  
San Francisco, CA 94111



**U.S. Citizenship  
and Immigration  
Services**

Thursday, January 3, 2008

SUMIT MUKHOPADHYAY  
3375 CARLSON BLVD APT 11  
EL CERRITO CA 94530

Dear Sumit Mukhopadhyay:

On 01/02/2008 you, or the designated representative shown below, contacted us about your case. Some of the key information given to us at that time was the following:

<b>Caller indicated they are:</b>	Applicant or Petitioner
<b>Attorney Name:</b>	Information not available
<b>Case type:</b>	N400
<b>Filing date:</b>	09/05/2006
<b>Receipt #:</b>	WSC*001583317
<b>Beneficiary (if you filed for someone else):</b>	Information not available
<b>Your USCIS Account Number (A-number):</b>	A072904457
<b>Type of service requested:</b>	Outside Normal Processing Times

The status of this service request is:

The processing of your case has been delayed. A check of our records establishes that your case is not yet ready for decision, as the required investigation into your background remains open.

Until the background investigation is completed, we cannot move forward on your case. These background checks are required to be completed on all applicants who apply for the immigration benefit you are seeking. We will make every effort to make a decision on this case as soon as the background checks are complete. If you do not receive a decision or other notice of action from us within 8 months of this letter, please contact us by calling our customer service number provided below.

If you have any further questions, please call the National Customer Service Center at 1-800-375-5283.

Please remember: By law, every person who is not a U.S. citizen and who is over the age of 14 must also notify the Department of Homeland Security within 10 days from when they move (persons in "A" or "G" nonimmigrant status are exempt from this requirement). If you have moved, please complete a Form AR-11 and mail it to the address shown on that form. If you do not have this form, you can download it from our website or you can call the National Customer Service Center at 1-800-375-5283 and we can order one for you. If you move, please call us with your new address information as soon as your move is complete. If you have already called us and given us this information, you do not need to call again.

U.S. Citizenship and Immigration Services

DIANNE FEINSTEIN  
CALIFORNIA

COMMITTEE ON APPROPRIATIONS  
COMMITTEE ON THE JUDICIARY  
COMMITTEE ON RULES AND  
ADMINISTRATION—CHAIRMAN  
SELECT COMMITTEE ON INTELLIGENCE

## United States Senate

WASHINGTON, DC 20510-0504

<http://feinstein.senate.gov>

January 18, 2008

Exhibit "25"

Mr. Sumit Mukhopadhyay  
3375 Carlson Boulevard, Apt. #11  
El Cerrito, California 94530

Dear Mr. Mukhopadhyay:

The Federal Bureau of Investigation has told me your name check, received on September 21, 2006, is still pending. There is no way to determine when the name check will be completed. If you haven't heard about the status of your case from USCIS within six months, please contact our office and we will make a follow up inquiry.

I hope that this information is helpful and that it will clarify the situation for you. If you have further questions, or if there is any way the Senator's office can help you in the future on other federal matters, I hope you will contact us again.

Sincerely,



Morgan Galli  
Constituent Services Representative





U.S. Department of Justice

Federal Bureau of Investigation

Washington, D. C. 20535-0001

WH 621659

January 29, 2008

Exhibit "26"

Dr. Sumit Mukhopadhyay  
Number 11  
3375 Carlson Boulevard  
El Cerrito, CA 94530

Dear Dr. Mukhopadhyay:

Your letter dated October 23, 2007, directed to Mrs. George W. Bush concerning your name check status for immigration purposes, was forwarded to the Department of Justice and subsequently referred to the Federal Bureau of Investigation (FBI) for reply.

A review of the FBI's Name Check Program database revealed that your request was received from the United States Citizenship and Immigration Services on September 21, 2006, and is currently in process.

The FBI processes millions of name check requests each year with each requiring thoughtful consideration. We know how important this information is to you; however, the FBI must also balance the need for national security in preparing the response to each of these requests. The FBI's homeland security mission requires that our name check process be primarily focused on an accurate and thorough result. While an exact date for completion of this review cannot be given, you may be assured that the results will be made available to the immigration authorities as quickly as possible.

I trust this information will be of assistance.

Sincerely,

A handwritten signature in dark ink, appearing to read "Michael A. Cannon", is written over a horizontal line.

for Michael A. Cannon  
Section Chief  
National Name Check Program Section  
Records Management Division



Exhibit "27"

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## U.S. Citizenship and Immigration Services San Francisco CA Processing Dates Posted May 15, 2008

The processing times shown below are a tool for our customers to gauge our current processing times. When applications and petitions are completed within our target timeframes, that goal will be shown in the data display.

The processing times shown below are for applications that have just been completed. If you have just filed your application, these timeframes may not reflect how long your application will take to be completed. We encourage you to check this page periodically before inquiring about your case. The processing times are updated monthly.

USCIS has received a significant increase in the number of applications filed. In July and August, nearly 2.5 million applications and petitions of all types were received. This compares to 1.2 million applications and petitions received in the same time period last year. This fiscal year, we received 1.4 million applications for naturalization; nearly double the volume we received the year before. The agency is working to improve processes and focus increased resources, including hiring approximately 1,500 new employees, to address this workload.

As a result, average processing times for certain application types may be longer. In particular, naturalization applications filed after June 1, 2007 may take approximately 13-15 months to process.

We offer a variety of services after you file. For example, for most kinds of cases you can [check the status of your case online](#).

For more information about when and how to contact us, whether your case is outside our processing time or if there are other issues, please see our customer guide –

[Case Services - How do I... know what kind of services are available to me after I file my application or petition?](#)

### District Office Processing Dates for **San Francisco CA** Posted May 15, 2008

Form	Form Name	Processing Timeframe:
I-131	Application for Travel Documents	February 15, 2008
I-485	Application to Register Permanent Residence or Adjust Status	October 02, 2007
I-600	Petition to Classify Orphan as an Immediate Relative	September 03, 2007
I-600A	Application for Advance Processing of Orphan Petition	September 03, 2007
I-765	Application for Employment Authorization	October 15, 2006
N-400	Application for Naturalization	July 06, 2007
N-600	Application for Certification of Citizenship	November 17, 2007

## CIVIL COVER SHEET

JS 44 (Rev. 12/07) (cand rev 1-16-08)

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON PAGE TWO OF THE FORM.)

## I. (a) PLAINTIFFS

Sumit Mukhopadhyay

## DEFENDANTS

M. Chertoff, Secretary, DHS; J. Scharfen, Director, USCIS; C. Poulos, Director, CSC, USCIS; Robert S. Mueller, Director, FBI; J. Russoniello, <sup>US Attorney</sup> ~~US Attorney~~ <sup>US District & CA</sup> ~~US District & CA~~

(b) County of Residence of First Listed Plaintiff Contra Costa  
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)

Attorneys (If Known)

PJH  
ADRE-filing

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury  <b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability  <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability  <b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General Habeas Corpus: <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other  <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act  <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157  <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark  <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (933) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))  <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 820 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property					

## V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
8 U.S.C. 1447(b)

Brief description of cause:

The defendants have not adjudicated the Plaintiff's naturalization petition as required by law

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 ☐ DEMAND \$

CHECK YES only if demanded in complaint:  
JURY DEMAND: ☐ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

PLEASE REFER TO CIVIL L.R. 3-12 CONCERNING REQUIREMENT TO FILE "NOTICE OF RELATED CASE".

## IX. DIVISIONAL ASSIGNMENT (CIVIL L.R. 3-2) (PLACE AND "X" IN ONE BOX ONLY)

☒ SAN FRANCISCO/OAKLAND ☐ SAN JOSE

DATE  
06/03/2008

SIGNATURE OF ATTORNEY OF RECORD

Sumit Mukhopadhyay



Court Name: U.S. District Court, NDCA  
Division: 3  
Receipt Number: 34611019806  
Cashier ID: almaceh  
Transaction Date: 06/03/2008  
Payer Name: SUMIT MUKHOPADHYAY

CIVIL FILING FEE  
For: SUMIT MUKHOPADHYAY  
Case/Party: D-CAN-3-08-CV-002758-001  
Amount: \$350.00

CHECK  
Check/Money Order Num: 1237  
Amt Tendered: \$350.00

Total Due: \$350.00  
Total Tendered: \$350.00  
Change Amt: \$0.00

PJH

Checks and drafts are accepted  
subject to collections and full  
credit will only be given when the  
check or draft has been accepted by  
the financial institution on which  
it was drawn.